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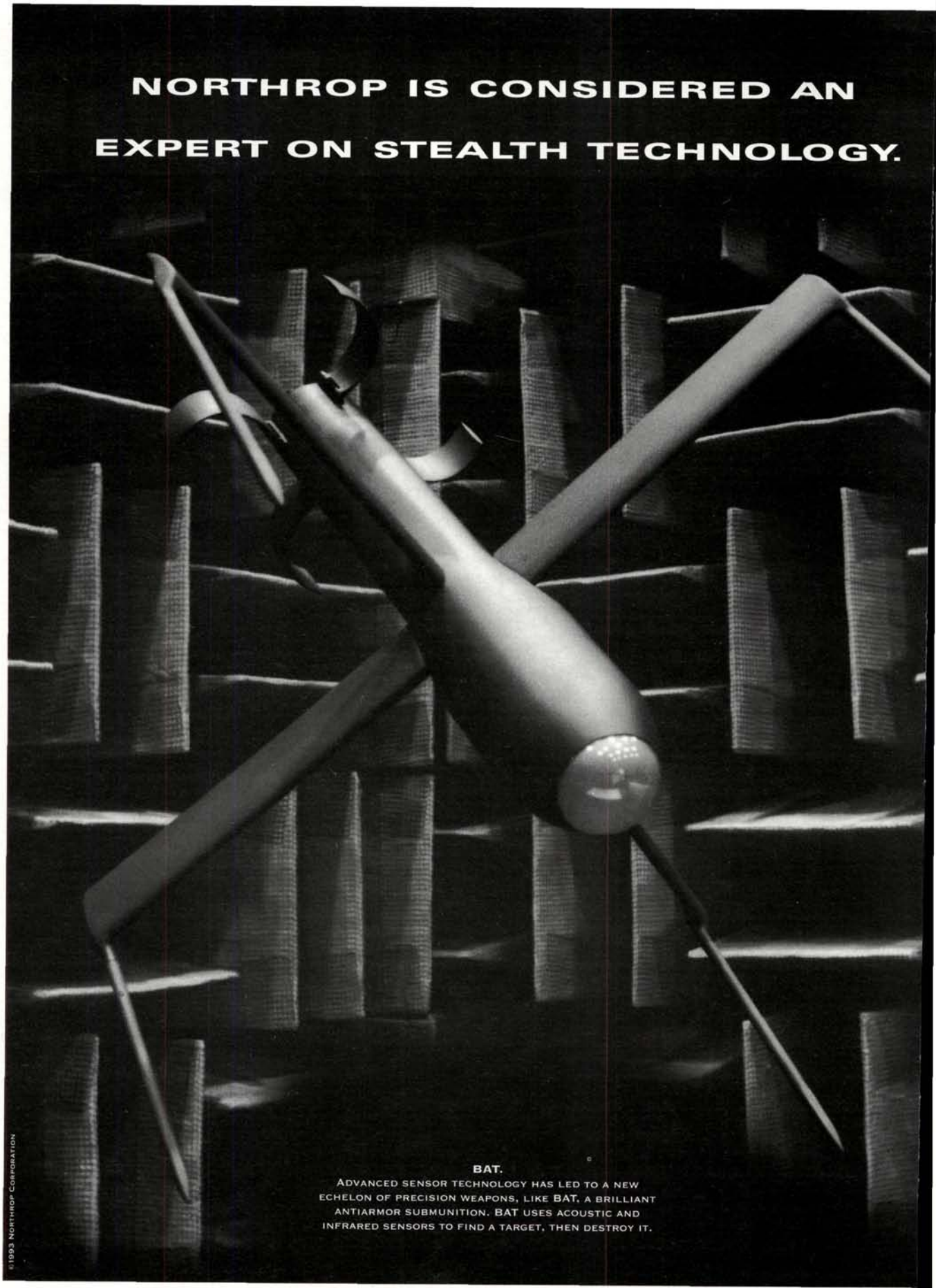
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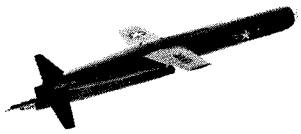

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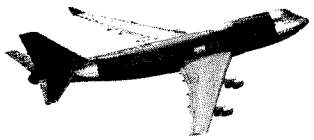

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NATIONAL REVIEW

MARCH 21, 1994 VOL. XLVI, NO. 5

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The Audit Bureau

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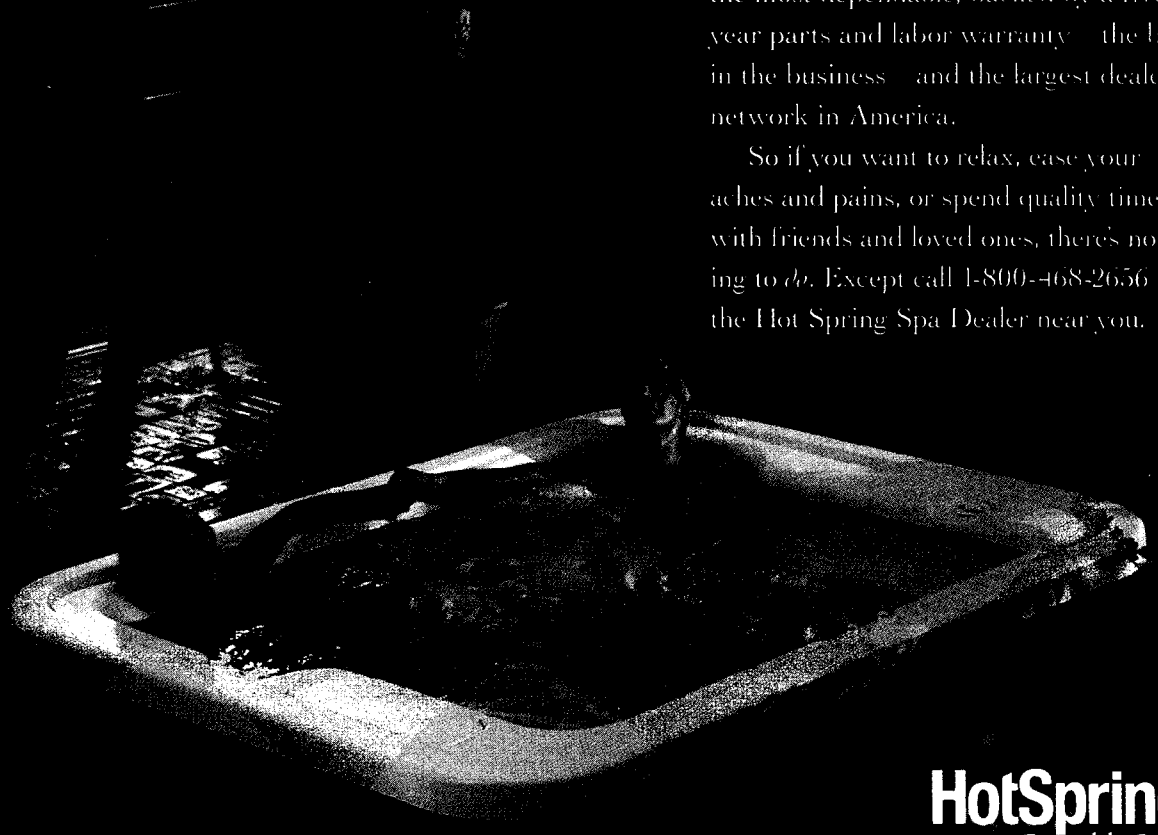

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LETTERS

Parting Company

Michael Lind, my co-author in a piece for *Policy Review*, has accepted Lawrence Auster's criticism of our argument that tighter restrictions on immigration will not be the answer ["Letters," March 7]. Here is where we part company. Lind rejects our earlier statement. I stand by it.

The phenomenon of illegal immigration deserves more attention and preventive measures. Also, efforts to deny illegal aliens the benefits of our welfare system need to be enhanced. The ideas forwarded by Governor Pete Wilson on this problem have great merit. The promise of assistance to the children of illegal aliens only encourages the flow of such illegals into the United States.

About immigration, I agree with Ben Wattenberg and others who have been branded by all too many dour-faced conservatives as "hopeless optimists." Immigration is one of the great sources of America's strength.

As a disclaimer, I should note that I am the son of Polish immigrants. My bias is clear.

Mark P. Lagon
Research Associate
The American Enterprise Institute
Washington, D.C.

In Defense of H. G. Wells

Hadley Arkes's review of Michael Coren's book *The Invisible Man: The Life and Liberties of H. G. Wells* is not only unjustified criticism of Mr. Wells, but just plain bad criticism altogether ["The Displeasure of His Company," Jan. 24]. Relying on a narrow smattering of Mr. Wells's quotes, Mr. Arkes and Mr. Coren have portrayed him as a monster socialist, womanizer, undereducated dilettante of the sciences, racist, atheist, and co-conspirator with Hitler and Stalin. In fact, he was none of these things. One wonders what criticisms could be constructed for Plato (sodomist), Ben Johnson (drunk), Mark Twain (racist), or the futurist Anthony Burgess, so recently eulogized in NATIONAL REVIEW.

Mr. Wells grew up during a protracted period of peace, productivity, and scientific ferment, all of which imbued him with the belief that good things were possible. As he wrote in "Joan and Peter": "A man . . . did not so much come to the conclusion that the subjugation and civilization of the world by science and the Anglican culture was the mission of the British Empire, as find that conclusion ready-made by tradition and circumstances in his mind . . . Everywhere the British went about the world, working often very disinterestedly and ably, quite unaware of the amazement and exasperation of . . . French, German, and American minds."

Yes, Mr. Wells dabbled with the socialists of the day, but only to influence and direct them. He had no use for the Bloomsbury group other than as a curiosity and acquaintance, and was repelled by the Fabian character, which he saw as intellectually dishonest.

As for T. S. Eliot's criticism, it doesn't indicate any flaw in Mr. Wells unless popular acceptance and commercial success are character deficiencies. It indicates artistic snobbery on Mr. Eliot's part. The assertion that Mr. Wells's popular success disqualified his opinions on other matters is absurd.

One cannot read Mr. Wells's work and come away with the notion that he lacked ethical grounding. He did believe in God, and it is the great moral dimensions of his novels that make them memorable. His prolific career displays genius, undeniable talent, universal appeal, and durability. Reading him offers profound insights into his world, with many implications for our own. Mr. Coren's and Mr. Arkes's criticisms are poorly founded and wildly overdone.

Dennis M. O'Connor
Westfield, Mass.

That Wells was an "engaging writer"; that he could be a spell-binding teller of stories; that his powers of description, turned to the task of seeing through people like Sidney and Beatrice Webb, could have a penetration "rarely-matched"—were all points made in my review. But we cannot finally measure the artfulness of Wells without coming to a judgment on the understanding that informed his art, or the ends to which his arts were directed. On these cardinal points, Wells did not leave us a record clouded in obscurity. His teaching he set forth with a large, unsubtle hand, through a vast compendium of novels, tracts, and manuals for the better ordering of the world.

And yet, Mr. O'Connor writes as though critics like Malcolm Muggeridge and T. S. Eliot, or recent writers like Michael Coren, were given to flights of imagination, or that they were too dim to read Wells and understand what they read. But there was nothing arbitrary in their reading or their judgments. And there was nothing in their accounts that was not amply borne out in the record. The political ethic described by Wells was collectivist and authoritarian. His régime would encompass eugenics as part of a scheme that would bring all messy, uncoordinated acts—including those conspicuously uncoordinated acts of sex and reproduction—under the benign discipline of "planning." That he brought to the task a temper that was fiercely "moralistic" is not to say that the ethic he offered to the public was in any demanding sense good or moral. Mr. O'Connor contents himself with the assertion that Wells "believed in God." He omits to tell us whether it was the God who bade Abraham to hold back his hand from the sacrifice of a child, or the God who became flesh and died on the cross—or the God of Plato. Or was that God, as Wells said, "less like the Heavenly Father of a devout Catholic or a devout Moslem or Jew than he was like the personification of . . . the Five Year Plan"?

I'm not sure whether Mr. O'Connor would seek merely to correct my judgment of Wells's work, or whether he is calling into question the very propriety of casting a moral judgment on a body of work that was affected at every point with a moral purpose. Whether in novels or histories, Wells was always offering up moral lessons about the way of life that was right. If Mr. O'Connor thinks that any of us has made a grievous mistake in reading Wells, or that we have been unjust in our judgments, I for one would count it a gain to have my understanding corrected and my judgments made more just. And yet, one of the most remarkable parts of Wells's life was the number of lettered men and women who were willing to adore him while detaching themselves from any sober judgment of his character and works. Arnold Bennett and J. B. Priestly thought he was joyously good company. He was a generous host, he could be immensely clever at games, and he had a spark that made him enduringly fascinating to women. But he could still be, as I wrote, a thoroughly bad man. And from his rich, clever sentences it would still be possible to extract the

(Continues on page 76)

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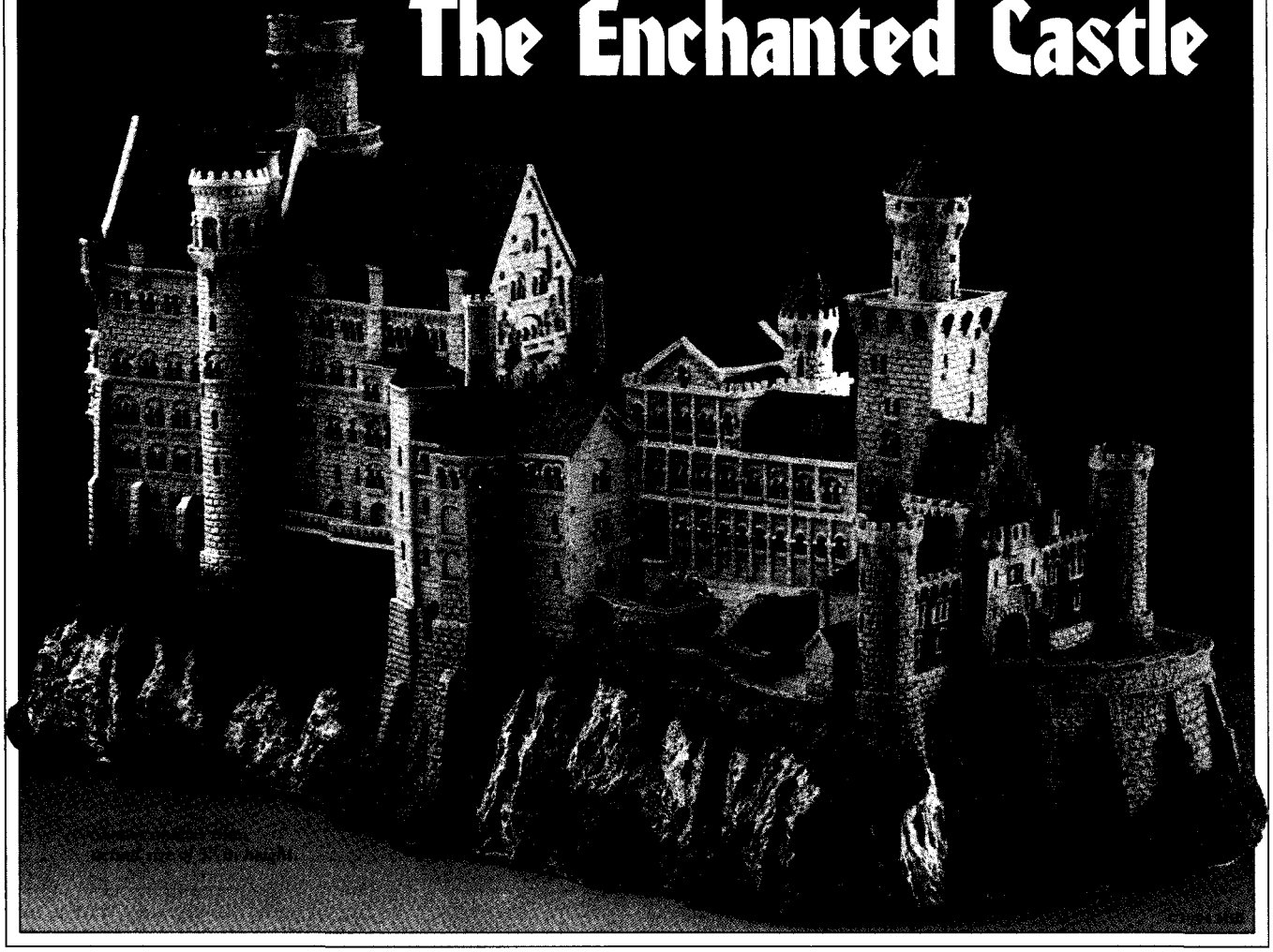

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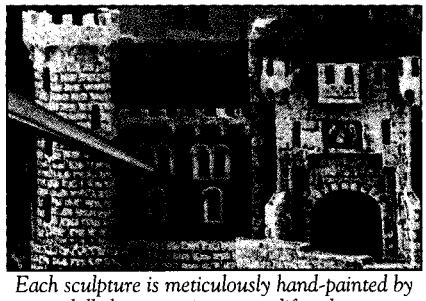

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FROM THE EDITOR

Spies on Parade

■ A frequent comment on the arrest of Aldrich Ames, the KGB mole situated conveniently in the CIA's counterintelligence section, has been that, like most such spies, he was a quiet man who never drew attention to himself.

That seems not quite right. Ames looks like a dull dog, but even he drove an expensive Jaguar, vacationed frequently in Colombia, and threw money around like a drunken sailor—although, coming from a sea-faring (and drinking) family, I like to think that a drunken sailor would have had better uses for the $5,000 that, according to the *Wall Street Journal*, Ames donated to the Democratic National Committee in 1991 and 1992.

Such splashiness would have drawn attention to him in most circles. But his CIA colleagues seemed not to notice. This easy-going myopia is an occupational disease of espionage. Long before Ames, the "Cambridge spies" tested it to destruction.

Donald Maclean and a journalist friend went on a drunken rampage in Egypt (where he was stationed as a diplomat) which ended with their attempting to break down the door of a flat in which a young secretary at the U.S. embassy was cowering. When this elicited a protest from the ambassador, the British Foreign Office removed him smartly—to Washington.

Kim Philby, the British equivalent of Ames but more raffish, was instructed by Soviet intelligence to join a British pro-Nazi outfit as a "cover." British intelligence promptly recruited him as a sound anti-Communist, and his subsequent drunkenness and womanizing proved no barrier to promotion. They showed he had a hobby.

But it was Guy Burgess who retired the cup for attention-getting. He was notorious for drunkenness, promiscuous homosexuality (at time when it was still a serious crime), outrageous behavior, personal uncleanliness, and extreme left-wing opinions.

He was even witty—something that usually alerts organization men that things are amiss. Preparing for a tour of duty at the Washington embassy, he was advised to avoid such topics as Communism, homosexuality, and the race question at American dinner parties. He replied: "You mean I mustn't make a pass at Paul Robeson."

Eventually, of course, somebody tumbled to the fact that these were no ordinary diplomats. Nonetheless, they had roistered and insulted their way around the diplomatic circuit for years, raising the occasional eyebrow but few serious questions. How?

Anthony Powell, the distinguished novelist who knew (and disliked) Burgess, explained it thus: bureaucracies, whether an army or a department of welfare, may have files galore on someone's background, credentials, and record; but they have no idea of what he is "like." So frauds and oddballs rise, surviving every disaster.

Indeed, Malcolm Muggeridge liked to argue that intelligence agencies are so full of oddballs anyway that a man in a black cloak, who left the office with secret documents and returned with a suitcase of money, would just be one of the crowd.

This is less absurd than it sounds. In the Ames variation, the CIA was apparently so full of people with independent incomes that Ames was just another guy living above his salary.

■ As Rick Brookhiser points out in his guide to the Whitewater scandal (page 42), the *New York Times* has returned to noticing it. Indeed, an editorial even compares the Clintons' behavior with that of Ronald Reagan, the Great Satan himself.

Plainly, liberal journalism is affronted. With such casual improprieties as arranging a briefing from the head of the Resolution Trust Corporation on Whitewater, the Clintons are taking the press for granted.

Since the press expects to take the President for granted, this is unwise. It may even drive the press to journalism. —JOHN O'SULLIVAN

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FOR THE RECORD

■ Health care shaping up as major fiasco. **Hillary Clinton** and **Ira Magaziner**, holding firm for original plan, are a lonely twosome. President **Clinton** says everything's negotiable, except universal coverage. High-ranking Administration officials conceding privately program is dead. **Harold Ickes**, brought aboard to railroad plan into legislation, is looking for compromises. Hillary is even conferring with left-leaning Sen. **Paul Wellstone** (D., Minn.), who advocates Canadian-style entirely government-run single-payer program. Two held private meeting at White House last week. . . . Hillary has lined up usual religious lefties—National Council of Churches and United Church of Christ. But the Southern Baptist Convention, Family Research Council, National Right to Life, Christian Coalition, Eagle Forum, and others are digging in their heels. They want no part of any health plan that pays for abortions. Christian Coalition plans to spend about $1.5 million to help defeat ClintonCare; Planned Parenthood has launched $10-million campaign in favor of it, as the only proposal that will ensure federal money for abortions. . . . Meanwhile, public backing of health plan is down to 36 per cent; 46 per cent oppose it. Some 64 per cent feel President is playing it sly, "withholding certain details" about his plan. . . . **Bill Kristol** (Project for Republican Future) argues Republicans are winning debate that there is no crisis; he urges them to stick to that line. Kristol outlined in memo for GOP senators, meeting at behest of **John Chafee** (R.I.), ways to reform current system which would avoid compromise with overhaul plans. . . . Rep. **Fred Grandy** (R., Iowa), seemingly ready to dump principles in his pursuit of primary victory over conservative Gov. **Terry Branstad**, threatens to "turn in my [party] pass" if GOP continues to oppose health reform.

■ Socialist Rep. **Bernie Sanders** (Ind., Vt.) is considering a challenge to liberal Sen. **James Jeffords**, only Republican behind Clinton health plan. *Burlington Free Press* poll has Sanders trailing by only six points. . . . Three-term Sen. **Paul Sarbanes**, booed at town meetings and backed by only 34 per cent of Maryland voters, is likely to face **Bill Brock**, former Tennessee senator and RNC chairman. . . . FEC reports show three-term Sen. **Bill Bradley** (D., N.J.) has only $160,000 in campaign chest. His term is up in 1996. Three years before 1990 race against now–Governor **Christine Todd Whitman**, he had over $2 million. . . . Also in N.J., two-term Sen. **Frank Lautenberg** (D.) looks vulnerable, with less than 50 per cent of voters wanting him re-elected. Popular Assembly Speaker **Chuck Haytaian** is strong challenger. . . . Harrumphed Bill Clinton when **Janet Reno** criticized his overt campaigning for Postalgate-tinged Rep. **Dan Rostenkowski**: "There is still a presumption of innocence in this country." . . . Conservative Rep. **Bob Dornan** has bowed out of race against Sen. **Dianne Feinstein** (D., Calif.) and says he will seek re-election to House for final time this year. . . . **Fabrizio, McLaughlin** poll shows that, "all other things being the same," 51 per cent prefer a "conservative Republican" to a "liberal Democrat" as President. Same poll found that, if election were held today, 34 per cent would vote for Bill Clinton, 31 per cent for **Bob Dole**. . . . **Dan Quayle** is not taking advice from friends to run for governor of Indiana in 1996 rather than for President. "Who's going to beat me?" he responds. Quayle coming in strong third in polls among Republicans, behind Bob Dole and **Jack Kemp**.

© Matt, *Daily Telegraph*, London / Bothco

"Sir, we've pooled our dinner money, bought the school, and your services are no longer required."

■ Mexican President **Carlos Salinas de Gortari** will invite foreign observers—but not from U.S.—for August presidential election. Salinas has tapped **Luis Donaldo Colosio** as successor; he made the popular **Manuel Camacho**—who had threatened to bolt PRI and go into coalition with the conservative PAN party—mediator in Chiapas violence. . . . **Cuauhtémoc Cárdenas**, leftist who ran well against Salinas in 1988, has distanced himself from Chiapas rebellion but is coming up in polls as candidate of radical reform. . . . In France, Premier **Edouard Balladur** is considering law to make French language compulsory in advertising, announcements, and conferences on radio and television. . . . Mending fences: Bill Clinton invited **John Major** to sleep in White House instead of at official guest quarters—the first foreign visitor so honored since **Winston Churchill**.

■ Veteran journalist **Martin Singerman** has come out of retirement to become publisher of feisty *New York Post*. . . . *NR* contributing editor **James Gardner** has launched *New York Review of Art*, monthly critique of art world. . . . *Wall Street Journal* editor **Robert Bartley** making news: he plans to hire editorial writer who will provide own reporting of Whitewater because there is insufficient information coming in from *Journal*'s more liberal newsroom.

■ Brazilian model **Lilian Ramos**—who says she didn't realize she was wearing only a T-shirt and no panties when photographed with Brazilian President **Itamar Franco** last month—says she would like to meet Argentinian President **Carlos Saul Menem**, because he is "an attractive man."

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THE WEEK

■ McDonald's has banned smoking in its U.S. company-owned restaurants, thus preventing a drastic fall in annual burger sales. Without the ban, Hillary wasn't going to let Bill eat there any more.

■ Having already suffered the rule of Harry Blackmun's conscience for two decades, the nation is called upon to applaud its delicate flutterings one more time. That conscience, while it has little to offer the innocent unborn, agonizes over the death penalty for serial killers, torture-murderers, and those who rape 11-year-old girls and then suffocate them by stuffing their underwear down their throats. If we have to be ruled by consciences rather than by law, Justice Blackmun's conscience does not seem up to the task. But that is not to deny that there is a problem with the death penalty. There is—and the Supreme Court contrived it. On the one hand, the Court said in 1976 that capital punishment is constitutional only if states adopt thorough and precise standards to ensure that sentences are meted out uniformly. On the other hand, the Court also said in 1976 that capital punishment is constitutional only if states take aggravating and mitigating circumstances into consideration in every case. Justice Blackmun would resolve this tension by imposing the dictate of his own conscience that capital punishment is immoral and hence unconstitutional. Justice Scalia would resolve the same tension—by resolving it. He would restore the law to what it was for the first 187 years of our Republic and allow states to determine their own criminal penalties and procedures. Justice Scalia's jurisprudence is the better—among other reasons because it expresses the principle that a judge's conscience should obey the law, not seek to shape it.

■ Justice Blackmun's conscience couldn't have been paraded at a better time for Aldrich Ames. Here is a man who led a comfortable upper-middle-class existence in a cozy Washington suburb and chose in a calculation of pure greed—"my most immediate need . . . is money"—a betrayal that led to the deaths of ten men. His crime is truly vile: compromising his nation in a struggle that until recently threatened its very existence and sending colleagues on the front line into a death trap. For his treason, and for the ten agents with bullets in their skulls, he deserves that penalty which, better than any other, expresses the revulsion of the community at calculated evil. We trust that if a court should sentence him to death, Justice Blackmun will not use the occasion to polish his scruples.

■ An Ohio woman got eight years in the slammer for posing as a member of the Clinton Administration and promising free medical care in order to steal "small amounts of money from elderly and sick people." Absolutely no comment whatsoever.

■ Some Clinton advisors are suggesting that the "two years and you're off" rule in the President's proposed welfare reform should apply only to welfare recipients aged 25 and under. This, explains one aide, would reform welfare "without overloading the cost." Why should taking people *off* welfare cost money? Partly because any Clinton reform will include huge administrative and day-care costs. The price tag could be $7 billion a year or more. Once such numbers are floated, half-hearted reform begins to seem only prudent. Alas, some Republicans are inadvertently joining the charge to bogus reform with Clintonesque proposals of their own. Both Senator Hank Brown and House Republicans led by Rick Santorum have bills of enormous complexity that would not be likely to have more than about 12 per cent of welfare recipients working by 1996. "[They're] doing everything possible to punt this one," says the Heritage Foundation's Robert Rector. The GOP has to fight President Clinton on simpler and tougher ground: like the bill prepared by North Carolina Senator Lauch Faircloth. The Faircloth legislation, with strict, real, and in some cases immediate work requirements, aims to have 50 per cent of recipients working by 1996, hitting the populations

"Please heal the sick without radically altering the current health-care system."

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easiest to employ—like men—first (thus cutting costs), and making women under 21 who have children out of wedlock ineligible for AFDC and food stamps (thus discouraging illegitimacy). Why should Republicans meet Mr. Clinton halfway? Either he comes all the way to real welfare reform, or he should have to explain to voters this fall, and in 1996, why not.

■ Here we go again: $34.6 million for screw-worm research, $8 million added to a defense bill for the 1994 World Cup and 1996 Summer Olympics, $300,000 for a U.S.–Canada lobster study . . . Citizens Against Government Waste has just released its fourth annual *Congressional Pig Book*. The bill for 1994's bacon: $6 billion. Lifetime Achievement Award–winner Robert Byrd (D., W.Va.) also bagged the King of the Road Award: $104 million will go to the West Virginia Corridor L highway construction project (necessary, clearly, to relieve congestion on the busy Beckley-to-Sutton commute). Meanwhile, out in the heartland, $1 million will fund chiropractic demonstrations at the Palmer Chiropractic School in Davenport, Iowa ("enough to break a taxpayer's back," comments the *Pig Book*). The list goes on and on, proof that Congress *can* get things done—like that $2.4-million parking garage in Burlington, Iowa, and the MK-50 advanced lightweight torpedo manufactured in the House Budget Committee chairman's district, and . . .

■ Who says we're not doing enough to help the Russians? They have the best spies our money can buy.

■ The Texas jury that acquitted members of the Branch Davidians of the charges of murder and conspiracy at Waco (seven defendants were found guilty on lesser charges) thereby convicted the U.S. Government of folly and worse than folly. Six Branch Davidians and four agents of the Bureau of Alcohol, Tobacco, and Firearms were killed in the ATF's initial raid, and eighty more Davidians burned to death two months later when the FBI moved in to conclude the siege. Yet there was no good reason for the raid in the first place. The mere possession of guns does not constitute a threat to public order in Texas, and if it did, David Koresh, the cult's leader, could have been arrested without incident on his regular trips outside the compound. Then, according to a Treasury Department review, when a raid was decided on, it was botched. The FBI, which took over the case from the ATF, had no idea of the people it was dealing with. When Koresh asked for time so that he might finish a commentary on the Seven Seals of Revelation, an agent thought he was talking about zoo animals. And the official charge that the cult was engaging in child sex abuse was false; yet it was used to justify a raid whose victims included some 25 children. For this catalogue of bloody errors, the Attorney General graciously accepted "responsibility" almost as if she were accepting a vote of thanks. If she does not now resign, she should be dismissed. Responsibility for needless deaths ought to carry some penalty.

■ DAVID AND GOLIATH REDUX: The home-school movement taught the National Education Association a punishing lesson February 24 when the House overwhelmingly adopted Representative Dick Armey's amendment to HR-6 (the Elementary and Secondary Education Act) prohibiting state certification requirements for home-schooling parents and private-school teachers. The battle started at an early February subcommittee mark-up of the bill, when California Democrat George Miller, one of the NEA's many Capitol Hill water-carriers, inserted language requiring school districts to certify all area teachers in order for states to be eligible for federal education funds. When Michael Farris and his Home School Legal Defense Association caught wind of this language, they went into action, mobilizing other home-schoolers around the country for a grassroots counterattack. Crying uncle, the House passed Mr. Armey's language (which declares that the bill can't "permit, allow, encourage, or authorize any federal control over any aspect of any private, religious, or home schooling") by a lopsided vote of 374 to 53. But will GOP leaders now start seeing such allies as an asset instead of a problem?

■ Washington, D.C., Mayor Sharon Pratt Kelly, who presides over a $300-million budget gap in what is clearly the worst governed city on earth, is taking some heat for having her makeup done at taxpayer expense at $65 per hour—high even by D.C. standards, but think how much makeup it takes if you have as much egg on your face as Mayor Kelly.

■ The most important development in Bosnia in the last two weeks was not the Mickey Mouse dogfight that produced such euphoria in our media, but the entry of Russian troops into the country. Perhaps Americans should be delighted that even in the era of Clinton defense cuts, the U.S. Air Force is still ca-

Paging Blackford Oakes

Mr. Clinton's relationship with
Mr. Yeltsin was based on the myth
    That a friend wouldn't stoop
    To deploying a snoop
Unless kin carried on with their kith.

W. H. VON DREELE

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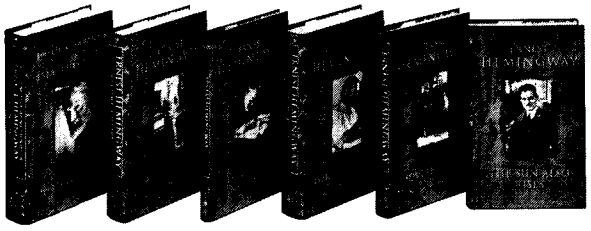

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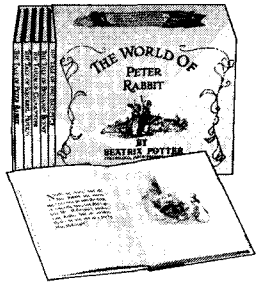

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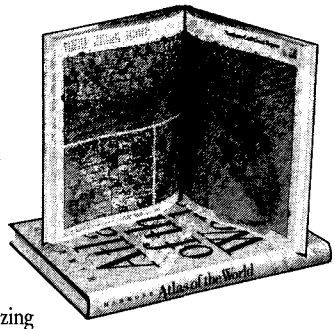

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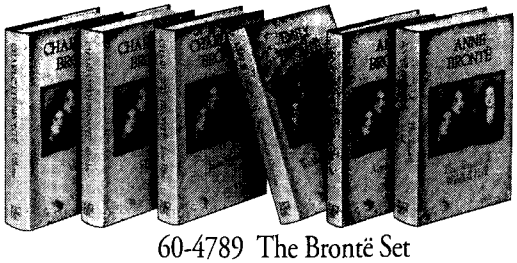

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pable of defeating the mighty Bosnian Serb Air Corps. But the real issue concerning U.S. air power was always whether it would be used to strike *ground* targets, such as the artillery that wreaked such horror on Sarajevo. No one believes President Clinton would attack targets now protected by Russians. The whole NATO air-strike plan that was the product of such labor over a year has effectively been trumped by Boris Yeltsin. Yet even when NATO was talking tough about air strikes, the Western powers were preparing in private to bludgeon the Bosnian Muslims into accepting a humiliating (and probably unsustainable) partition of their country. Now there are naïve hopes expressed that the Russians will use their leverage with the Serbs to promote a compromise. Perhaps they will—but only if they respect American power. What are the chances of that?

■ National Park Service Director Roger Kennedy has urged his underlings to hire a job applicant named John Trevor. "Surely," Mr. Kennedy wrote in a memo (which found its way to the *Washington Post*), "we must be able to find a use for a Swahili-speaking person who has Peace Corp[s] experience, is a cum laude in English from Harvard and has biological background in data manipulation. . . . Unfortunately, Mr. Trevor is white, which is too bad." Too bad indeed; now we may never find anyone to translate "biological background in data manipulation" into Swahili, or English.

■ Russia's parliament voted to pardon leaders of the 1991 and 1993 attempted coups. Apparently the pardons came after the accused broke down in tears and claimed to have been abused as children.

Living with the Bear

WHETHER it is shocking that post-Communist Russia is still engaging in espionage against the U.S. depends on whether one retains illusions about Russia and the troublesome role it has usually played in history. Most countries engage in spying, but *friendly* countries do very little of it against one another. That tells us something.

One of the first compromises that Boris Yeltsin made with the hard-liners after he took over from Gorbachev was to appoint Yevgeni Primakov as head of the Foreign Intelligence Service, successor to the KGB. Primakov is a former academic and journalist (a Middle East expert) who was a Brezhnev loyalist, and then emerged as a Gorbachev "liberal" during the era of "new thinking." A man for all seasons. His was the hidden hand behind the Alger Hiss scam last year, when it was claimed that no files on Hiss were to be found in the old KGB archives. Trustworthiness was never Primakov's strong suit.

The deeper issue, of course, is not the spying but the general development of Russian foreign policy, which becomes more disturbing every day. As *NR* has pointed out before, Russia is getting back on its feet geopolitically even while it's still flat on its back economically. This deflates, by the way, various fashionable theories of "geoeconomics," as well as the hopes that a more democratic Russia would not display the expansionist tendencies of its Communist predecessor. Russia's will to power seems to be a fact of nature, a historical imperative of nationalism. Russia flexes its muscles today in what it calls the "near abroad," as it goes about methodically restoring its dominance over Ukraine, Georgia, Azerbaijan, Moldova, Tadjikistan, etc. Yeltsin announces in a speech to the State Duma that it's time for an end to Russia's "unilateral concessions" in foreign policy—particularly in the defense sphere. Russian troops suddenly appear in Bosnia to protect the Serbs and to trump NATO's feeble effort to look tough on behalf of the beleaguered Bosnians.

What follows for the United States? First, we must come to terms with the new geopolitical reality and shore up those countries that constitute our first line of defense against Russian expansionism. This means a more forthright commitment by NATO to embracing the Central Europeans; it means a greater effort to help Ukraine, Georgia, and other ex-Soviet republics preserve their independence.

Second, it means a serious re-examination of our aid to Russia. Russia lacks the global ideological animus and reach of its predecessor, and has not (yet) tried to undo the new geopolitical order in Central Europe. But any help we provide should go only to endeavors that serve a clearly identifiable Western interest, like dismantling nuclear weapons. Controls on the export of advanced military technology should be enhanced, not relaxed (as Congress and the Administration are foolishly doing). And we should use our influence in international bodies to prevent scarce capital from being wasted on the present Russian government's half-hearted "reforms," which will shortly entrench hyper-stagflation.

The spy case captures the popular imagination, but the geopolitical case is the stronger one: Russia is rival as much as friend. The honeymoon over, life goes on; but life with the Bear will not be easy.

Massacre in Hebron

TERRORIST outrages of one kind or another have often interrupted a Middle East negotiation, but never derailed it. The massacre in the Tomb of the Patriarchs mosque in Hebron by a

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deranged follower of the late Rabbi Meir Kahane may be of a different, and more dangerous, character. It came at the moment of an intense struggle within the Palestinian community, a struggle that had already called into question the PLO's ability to come to closure on the agreement being negotiated with Israel. Anything that inflames the Palestinian street, as this has surely done, strengthens the hand of the Islamic extremists who oppose any peace with Israel.

The incident also exposes a profound problem on the Israeli side: the determined opposition of the settler community. Prime Minister Rabin had been hoping not to have to confront this until a later stage, but his government has taken forthright steps in the wake of the massacre to rein in the settler extremists. The PLO's ability in turn to ensure reasonableness on its side is still an open question. The best measure of that will be whether the Palestinians are able to return to the bargaining table in order to

RIGHT DATA

The Other Deficit

THE REPORT of a record trade deficit with Japan has renewed calls for a get-tough policy. However, the policies threatened by the Clinton Administration do not address the root cause of the last year's deterioration. As the U.S. economy crawled out of recession last year, Americans went on a buying binge, snapping up a record $107 billion worth of Japanese goods. Clearly, our lust for VCRs and Toyotas is a far more relevant explanation for last year's trade figures than Japan's trade barriers. In fact, our entire trade deficit reflects America's habit of consuming more than we produce.

AMERICA BUYS JAPAN

($ Billions)

	Exports To Japan	Imports From Japan	Deficit	Exports to Japan As % of All U.S. Exports
1983	$21.8	$43.3	$21.6	10.8%
1988	36.0	89.1	53.0	11.6
1991	46.1	90.5	44.4	11.5
1992	45.8	94.8	48.9	10.8
1993	47.9	107.3	59.3	10.3

Source: Department of Commerce

Japan's markets are, admittedly, far from open. Some American companies (Motorola and the Big Three automakers spring to mind) have legitimate complaints. But in 1993 U.S. companies exported $48 billion worth of goods to Japan, more than the amount sold to the UK and Germany combined. Per capita, Japan's 125 million inhabitants bought only slightly less from us last year than we bought from them. This is remarkable for a country that has seen the number of unemployed rise 22 per cent over the past year.

And these are *merchandise* trade figures. They ignore the money U.S. firms make selling insurance, investment banking, advertising, and other services abroad. (Service trade with Japan generated a $13-billion surplus for the U.S. in 1992, up from $5 billion in 1988.)

For now Washington is pinning its trade hopes on a weaker dollar, with some officials citing a theory that for every 1 per cent increase in the value of the yen, Japan's trade surplus will eventually decline by $5 billion. Yet during the past two decades Japanese firms have stayed competitive, despite the strong yen, by simply lowering their profit margins. Thus while the yen appreciated nearly 20 per cent against the dollar in a recent 12-month period, the price of Japanese imports increased by only 5.7 per cent.

Dollar devaluation poses unacceptable economic risks, including inflation and a loss of confidence in U.S. financial assets. The Europeans, especially the French, would interpret a sharp depreciation as a sign that the U.S. has abandoned GATT in favor of a "beggar thy neighbor" policy. This could trigger competitive devaluations *à la* the 1930s.

Furthermore, devaluation would work against its own purpose: a weak dollar makes it difficult for U.S. companies to buy plants, distribution networks, and marketing operations in Japan. Economists find a striking correlation between this sort of investment and trade, with U.S. manufactured exports going overwhelmingly to countries where there is a substantial U.S. investment presence.

Japan's situation is the reverse of our own: the Japanese produce more than they consume, investing the resulting trade surplus abroad. Prime Minister Hosokawa is orchestrating the political revolution that American critics—and Japanese consumers—have long clamored for. Eventually this will produce a more consumer-friendly environment via tax cuts and economic deregulation. This, not Mr. Clinton's crowbar, offers the best chance for shrinking Japan's trade surplus with the United States.

—ED RUBENSTEIN

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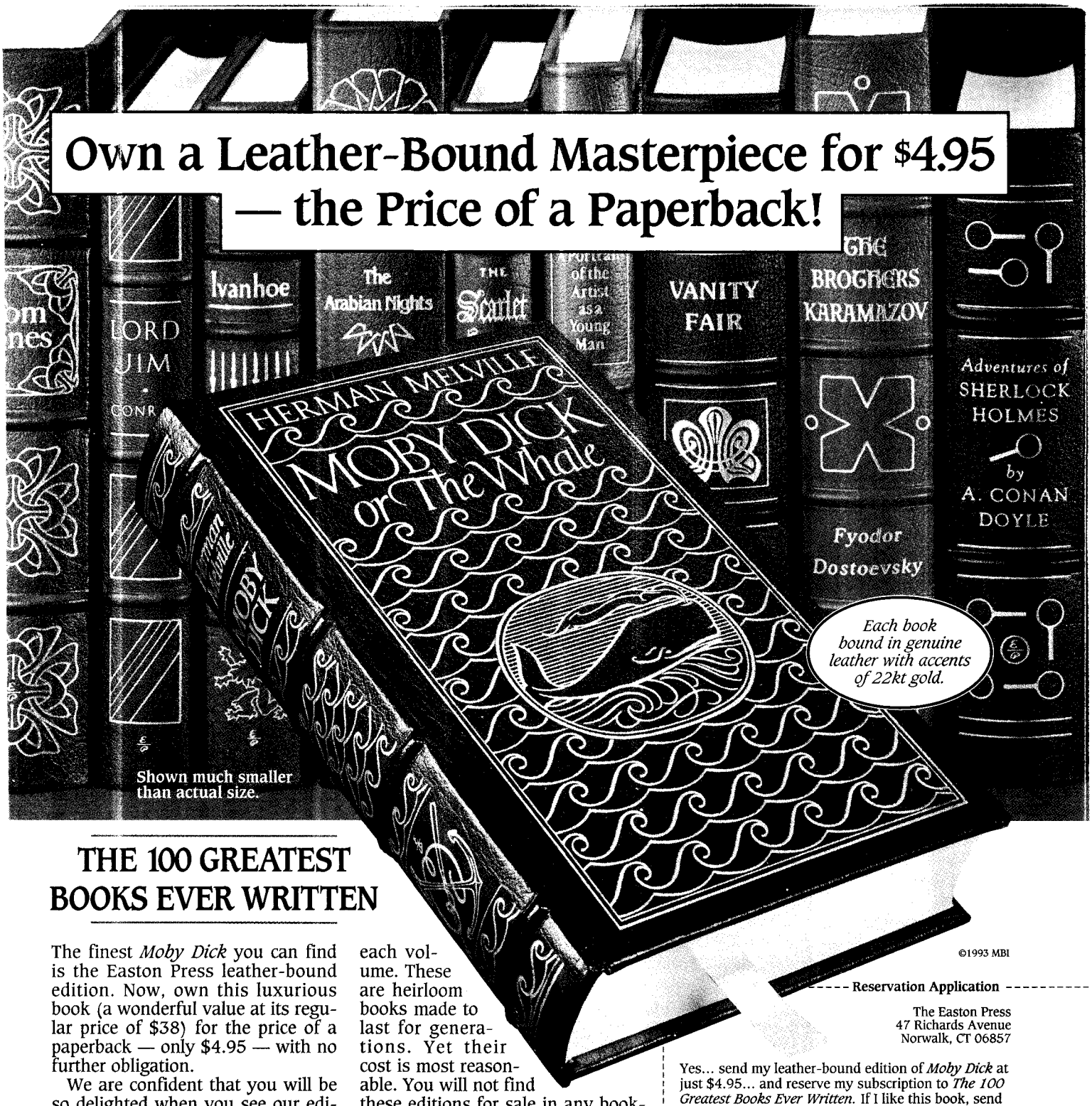

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complete an agreement that represents their own greatest success: an Israeli withdrawal from the West Bank and Gaza for the first time in 27 years, breaking the back of the occupation. The Palestinians' inability to act in their own rational interest has been their tragedy, not only for the past 27 years but for much of this century.

Budget Counterattack

IT APPEARS that this year's House Republican alternative budget will be the most conservative (and ingenious) budget since 1981, a sign that big-government Republicans may be in retreat. Thinks to the perseverance of aggressive GOP freshmen Rod Grams and Tim Hutchinson, House leaders Newt Gingrich, Dick Armey, Henry Hyde, and Tom DeLay have embraced a plan developed by ranking House Budget Committee Republican John Kasich, which marries family tax relief and economic-growth incentives with deficit reduction. The centerpiece of the plan is a $500-per-child tax credit fully financed by nearly $110 billion in federal spending cuts. The plan also contains a solid pro-growth package including Super IRAs, the indexing of capital gains, and other business-investment incentives. On March 10, the House is set to vote on both the Clinton and the Republican budgets.

The Kasich plan contains something for every element of the old Reagan coalition: family tax relief for social conservatives; economic growth for supply-siders; deficit reduction for deficit hawks. Because the credit will deliver nearly $62 million per year in tax relief to the typical Republican congressional district, the Kasich plan will force big-spending Republicans to choose between the federal trough and the conservative grassroots. Republican campaign strategists are delighted that the linkage of spending cuts with family tax relief will also force moderate Democrats to choose between big government and overtaxed families. The Kasich plan could strike at the very heart of President Clinton's domestic agenda. In his campaign, Mr. Clinton promised middle-class tax relief, but he would have to gut his health-care and welfare-reform proposals to match Mr. Kasich's $500-per-child credit. In this month's budget debate, Republicans could launch the first skirmish in a bidding war over which party can provide the most family tax relief—a fight the Republicans can't lose. Surely.

Senator Simon's Nemesis

Senator Byrd, who funnels the pork
Down where the hamlets straddle a fork
With the aplomb a *croupier* feigns,
Doesn't respond to budgeting pains
As he parades the Founders to show
Budget amendments threaten the flow.

W. H. VON DREELE

Slaves to Our Vices?

DAVID KESSLER, head of the Food and Drug Administration, wants to assert his agency's jurisdiction over cigarettes and says this "could mean, ultimately, removal from the market of tobacco products." He alleges evidence that cigarette-makers are artificially boosting nicotine levels in order to get smokers addicted. If the agency were to make a formal finding that the addictive properties of cigarettes were being manipulated, then the FDA would "have a legal basis on which to regulate these products."

We've come a long way from World War II, when the government provided "the boys" on the front lines a daily ration of cigarettes. In fact, we've come right back to the wowserism of the 1910s and a new Prohibition. Both Dr. Kessler and Surgeon General Joycelyn Elders are riding the anti-smoking bandwagon for all it's worth, and both are basing their campaign on the idea of addiction. Smoking is not a matter of personal freedom, they claim, because smokers don't really want to smoke: they are all in the unbreakable grip of dependency on the nicotine in cigarettes.

There's a small element of truth in this, as there is in all authoritarian schemes to regulate personal behavior. No doubt a small minority of smokers desperately want to stop smoking but can't; we can fairly call them addicts. But the same is probably true of a proportion of gamblers, coffee drinkers, hang-gliders, rock climbers, chocolate lovers, boxers, road speedsters, lotharios, fat people, politicians, and busybodies. Some proportion of these people evidence an overwhelming compulsion to go too far. Yet we cannot base laws for all on the weaknesses of a few, or freedom is doomed.

Americans have been preached at for the past 25 years by the likes of David Kessler and Joycelyn Elders that as taxpayers we should finance vast educational campaigns against smoking. Kids should be relentlessly taught the evils of cigarettes, alcohol, and "other drugs," and the manufacturers should be forced to print warning labels on their products. All the paraphernalia of warnings and propaganda assumes free will, not addiction.

Demand for cigarettes will not evaporate because

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But praise from me brought him glares from the White House, and Admiral Inman — recorders whirring — called me to denounce "irreparable harm you have done by revealing our sources and methods." It was hard to believe that the Libyans did not know that all embassy phone lines were routinely tapped, but I respectfully asked if he would entertain one question.

ICILY, THE ADMIRAL informed me he never talked to the press, but what was it I wanted to know? I asked him how a grown man could go through life calling himself "Bobby"; he slammed down the phone.

Downhill from there. As Barry Goldwater's man at the C.I.A., he became convinced that Bill Casey and I were conspiring to block his advancement. This was because I reported that Inman, in a not-for-attribution

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Dr. Kessler issues regulations. It will instead be catered to by new organized crime syndicates. Do we really need another war on drugs?

Christopher Lasch, R I P

WHEN THE chronicle of the 1970s is penned in full, one of its primary documents will be President Carter's 1979 "national malaise" speech, in which he tried to rouse America out of the torpor of its social and political "crisis of confidence," and to which the country dutifully responded by electing Ronald Reagan the year after. Among those advising him on the speech was Christopher Lasch, professor of history and diagnostician of cultural ills, who died last month at 61.

Mr. Lasch's early works described, from a leftist angle, the predicament of political and intellectual life in America. By the end of the 1960s, he had become critical of the Left's reliance on a specious personal liberation that ignored both social and personal responsibility; he continued the message in *Haven in a Heartless World: The Family Besieged* (1977) and *The Minimal Self: Psychic Survival in Troubled Times* (1984). He gained widest fame, though, with *The Culture of Narcissism* (1979), where he portrayed postwar America as a land of the self-absorbed, greedy, fearful, and easily swayed; in essence, the spiritually impoverished in the midst of plenty. In his latest book, *The True and Only Heaven: Progress and Its Critics* (1991), he thoughtfully examined the evolution of social philosophies and their relation to a world in which idealism and human nature must coexist. As we await his last book, to be released in the fall, we shall miss Christopher Lasch's often incisive, sometimes prophetic thinking, which, though capable of lighting candles, was best at cursing the darkness.

NOTES & ASIDES

■ Memo to: Dick Armey, Pete du Pont, Phil Gramm, Jack Kemp
From: Bill Buckley
Re: A challenge from Pete Peterson

Gentlemen:

I enclose an eloquent letter from Pete Peterson. I think he has made a good point, and I hope you will welcome the opportunity to answer his objection.

I will publish in NATIONAL REVIEW, and elsewhere, Pete's letter, and your replies; and perhaps my commentary.

Warm greetings from your admirer,
Wm. F. Buckley Jr.

Dear Bill:

Permit me to be presumptuous.

During my dialogue with Jack Kemp on your *Firing Line* program, I made a point that seems to get too little scrutiny in most conservative circles. I believe too many so-called fiscal conservatives aren't being conservative at all, at least in the old-fashioned sense of the word.

Less spending, with less taxes, is an admirable set of twin objectives. However, and it is a very *big* however, I believe that high spending and low taxes is fiscally irresponsible and intergenerationally immoral. That combination is precisely what more and more conservatives—particularly the supply-side version—seem to be advocating.

As I pointed out on your show, entitlement spending—particularly the non-means-tested entitlements disbursed without regard to financial need—has been, is, and certainly will be the fundamental driving force behind our public spending binge.

Yet, please tell me which of the "no new taxes," "cut big government" fiscal conservatives has come out for *specific, credible* entitlement-spending cuts? Forgive me, Bill, but spare me the proposals for "caps," which are a delightful euphemism for evading the kind of specific tough choices that are required. I told you about the hilarious "three-card monte" game on Bush entitlement "caps" Dick Darman played on *Meet the Press*. When pressed to indicate which specific entitlement-spending cut from a large list he was *for*, he was apparently against all of them. But he is not alone. Clinton's people also talk of "iron caps" on their new health-care subsidies. These caps turn out to be made of rubber.

You may or may not like my "affluence test" proposal to enact steep progressive cuts in entitlement benefits for above-median-income beneficiaries. But it, at least, has two virtues. It is *specific*, and it produces hundreds of billions in budget savings annually by early in the next century when the demographic bomb explodes.

A word about taxes. Fiscal conservatives are accused of never having met a tax they like. Neither have I. However, I prefer them, when combined with the largest entitlement and other spending cuts I could reasonably come up with, to the alternative; namely, the fiscal combination of euphemistic chatter about ambiguous, rhetorical spending cuts and *jihad* prayers about how one more tax cut is going to enable us not only to grow out of our current deficits but avoid the need for structural reform of entitlement spending that is metastasizing at a rate that should appall any true fiscal conservative.

As I pointed out, too many fiscal conservatives—most particularly, the "public" conservatives, i.e., those running for office—are not only passive in the face of this spending metastasis, but conveniently ignore the huge tax increases (focused heavily on mid-

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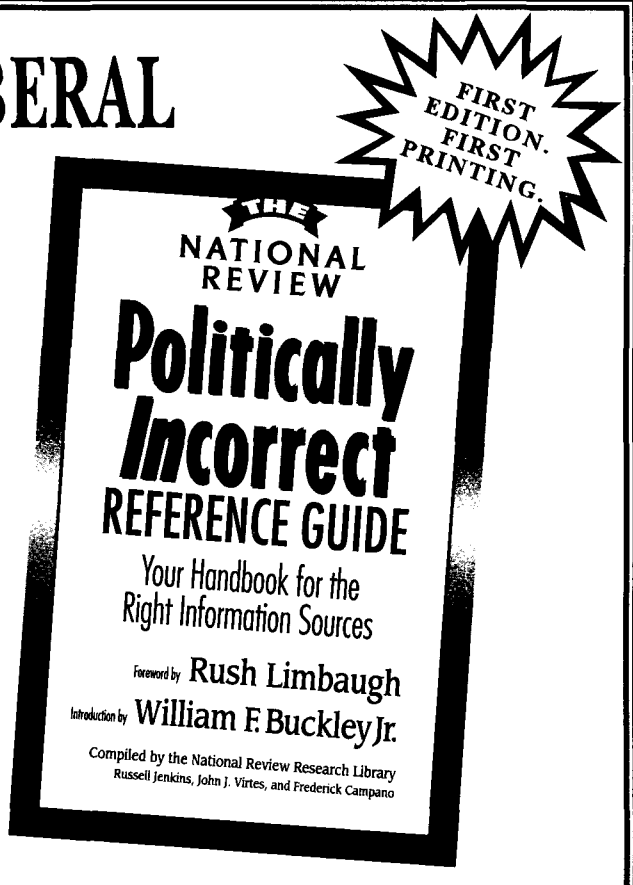
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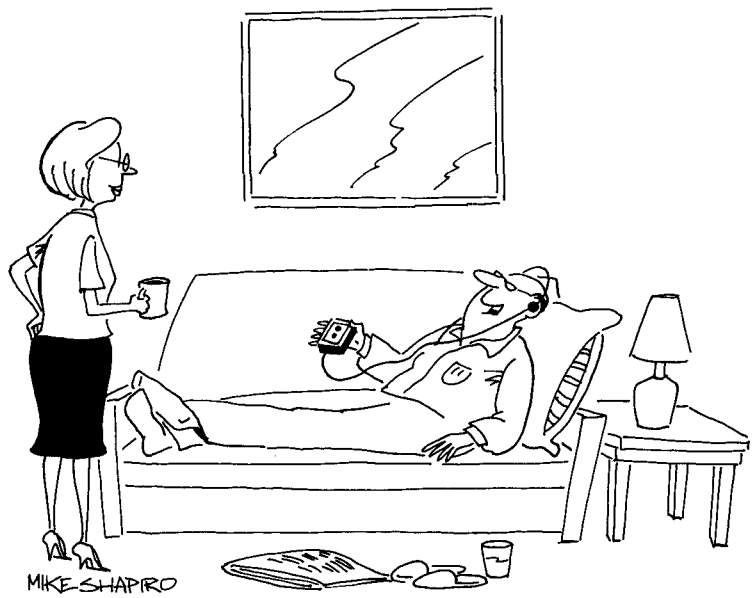

"It's a relaxation tape—the sound of interest accruing."

dle-class people) that must occur in the future in order to finance this entitlement-spending explosion.

I believe you are at the very heart of the "conscience of the conservative" movement. Could I, then, suggest you put your legion of fiscal conservative friends to this simple test: How *precisely* do you propose to reduce spending, by how much, and on which programs?

When you have gotten a responsible answer to that question, then we can all probably have a more rational discussion on whether, under what circumstances, and how one should reduce any remaining deficit. (My book, *Facing Up*, explains how deficits undermine the savings/investment/productivity/living-standard growth equation while imposing an immoral burden on future generations, then lays out a detailed plan for balancing the budget by the year 2000 as a principal way of providing those savings and reducing the generational inequity.)

It is always a pleasure to see you.

Sincerely,
Peter G. Peterson
Chairman, The Blackstone Group
New York, N.Y.

Dear Bill:

Thanks for sending me a copy of Mr. Peterson's letter. While he raises some interesting questions, on the whole I think he's misguided when it comes to the question of conservatives and entitlement spending. I would like to offer a couple of examples to counter Mr. Peterson's assertion. He clearly hasn't been watching what's been going on in the House recently:

1. Solely out of a commitment to sound fiscal policy, House Republicans twice voted for a cut-spending-only budget developed by Budget Committee Republicans that we knew would fail. The Kasich budget took $430 billion from the deficit over five years by cutting spending, including some overdue entitlement reforms. We put Medicaid patients into managed-care systems, raised the retirement age for federal employees to 62, and reduced agriculture spending.

2. Conservatives in the House overwhelmingly supported the Penny–Kasich bill—which Mr. Peterson's associates Paul Tsongas and Warren Rudman endorsed—which would have cut $90 billion in spending over five years, approximately half of which came from entitlements. Among other things we would have required wealthy seniors to pay for more of their Medicare benefits, frozen retirement COLAs for military personnel who enter the service after passage of the bill, and reduced federal employee retirement costs.

3. The Republican welfare-reform plan, which requires work, cuts off benefits to non-citizens, and provides no additional money for additional children, saves taxpayers $20 billion over five years. Welfare is certainly a key and rapidly growing entitlement that has urgent societal and budget ramifications.

4. I've spent all of my years in Congress attempting to bring some sanity to the Department of Agriculture. In 1990, we offered amendments to eliminate programs, reform others, and cut off payments to those making over $100,000. Though most of the amendments failed, Michael Barone of *U.S. News* estimated that by pressuring the committees, we saved taxpayers $14 billion. I'm planning a similar effort when we get a crack at the farm bill in 1995.

Most everyone realizes that we can't hope to balance the budget unless we control the growth of entitlement spending, particularly in health care. I like some of Mr. Peterson's entitlement reforms, particularly eliminating some farm programs and asking wealthy elderly people to pay for more of their Medicare. But like the Clinton Administration, too many of Mr. Peterson's entitlement cuts are tax increases.

Mr. Peterson derides the notion of a spending cap, but caps have a very important utilitarian value: they force Congress to make choices or face the prospect of much more unpalatable across-the-board cuts. Phil Gramm and I developed such a plan, capping the growth of all entitlements at the same growth rate as Social Security in order to stem runaway entitlement growth. As the success of the base-closing process demonstrates, it's easier for members to cast a vote for procedural reforms that lead to tough cuts than to vote for the cuts themselves.

Senator Gramm and I also take important steps like adopting zero-based budgeting and sunsetting

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programs as well as setting fixed deficit targets, which would go a long way toward reintroducing some fiscal sanity to Washington. We must also eliminate some programs and reform health care along the lines laid out in the Republican plans.

I'll put my willingness (and my record) to reduce spending of all sorts up against anyone's. But as the Penny–Kasich vote showed, it isn't my willingness or that of the other 175 Republicans that matters; it's the willingness of the Democrat majority and the Administration.

On the whole I think I have the same fundamental disagreement with Mr. Peterson that I have with many deficit hawks of the center-left. Mr. Peterson doesn't have a problem with government being big; he has a problem with it being out of balance. On the other hand, my problem is with the size of the government. I want it to be much smaller. Government of the size Mr. Peterson is willing to live with damages the economy, which in turns lowers our standard of living and receipts to the Treasury.

We should balance the budget by shrinking the government.

Respectfully,
Dick Armey
Member of Congress
Washington, D.C.

Dear Bill:

So "which of these fiscal conservatives has come out for *specific*, *credible* entitlement spending cuts?"

First, Mr. Peterson should recognize spending restraint in government is possible. As governor, I held Delaware government spending constant (in inflation-adjusted dollars) for eight consecutive years. Compared to prior (and subsequent) years, this was a huge spending cut. As for where Delaware spending was restrained—everywhere: prisons, education, administration, police, etc.

One of the reasons we realized zero spending growth was the early enactment of a constitutional spending restraint, limiting spending to 98 per cent of revenue unless overriden by a 60 per cent supermajority vote in each House of the legislature.

I mention this because the fatal flaw of Mr. Peterson's reasoning is that a legislature will enact one spending cut at a time. It simply won't work. First, an overall spending limit must be established, forcing the legislature to act. Then spending will come down.

As for entitlements, during the 1982 recession the Democratic-controlled legislature worked with my administration to *withdraw* 2 per cent of every school district's budget, half way through the fiscal year, to be returned to them if revenues improved (which they ultimately did). Since Delaware schools are essentially funded on a per-student basis, this was a very real entitlement cut.

Delaware's economic policy worked for the very reason Mr. Peterson disdains: tax-rate reductions stimulated job and revenue growth.

Turning to the federal level, in my 1988 presidential campaign, I advocated two significant entitlement cuts: eliminating agricultural subsidies (then $26 billion per year) and replacing welfare payments with a combination of increased EITC and public jobs at 90 per cent of minimum wage, to save $6.2 billion per year after a three-year transition. These were fully developed, detailed proposals opposed by other candidates of both parties.

I also proposed a private-sector alternative to the current Social Security system which, while expensive, is the only proposal I know of that will avoid the doubling of payroll taxes or halving of benefits when the boomers retire. It's not really within Peterson's entitlement framework, but it is better than his solution of eliminating benefits from a large portion of Social Security taxpayers. In 1990, I opposed Bush's domestic-spending increases.

I opposed the $4 billion a year we are spending to curb imaginary acid-rain deregulation—something thirty thousand scientists studied for ten years before concluding it didn't exist.

I have proposed deregulating and ending subsidies for the U.S. Merchant Marine at a savings of $2.3 billion per year and the repeal of the Jones Act, which would save the economy (not the taxpayers) $10 billion a year.

I have supported holding federal spending—except defense, which has already been reduced by nearly one-third—to two-thirds the rate of growth of the economy for five years, and a constitutional spending restraint with a three-fourths vote override provision.

In conclusion, the only worse economic policy than Mr. Peterson's fear—"high spending and low taxes" is his prescription—high spending and high taxes. They will limit growth and opportunity and, worse, transfer an even greater share of America's economic wealth to collective-government decision-making.

Best regards,
Pete du Pont
Chairman
Committee for American Leadership
Wilmington, Del.

Dear Bill:

Thank you for forwarding Pete Peterson's thoughtful letter, and for your invitation to comment. In arguing for a balanced federal budget, Pete is unquestionably on the right road, but I wonder if the cart is getting ahead of the horse.

It seems to me that until we achieve some certain means to require permanent deficit reduction—something no one has yet accomplished despite truckloads of sincere and well-conceived lists of spe-

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cifics—the way to a balanced budget by legislative action alone is likely to be a dead end.

To be sure, spending *can* be cut. The Gramm–Latta budgets specifically cut spending, but not forever. Then Gramm–Rudman I, II, and III forced Congress and the Administration to cut more spending over several years, but the big deficit reduction stopped when President Clinton waived the sequester mechanism on his first day in office. Spending cuts? Budget process reform? Been there, seen them, done 'em both. They both did a fair amount of good, too, but not permanently.

The current problem is that spending which Congress cuts with fanfare is never actually cut. Perversely, that seems particularly true when the spending in question is cut specifically in the name of deficit reduction. Somehow, despite good intentions and magnificent rhetoric, the money "saved" is inevitably spent, not used to reduce the deficit.

That's why I have come to believe a balanced-budget-amendment is the only sure-fire means of a deficit-free future. In an atmosphere marked mostly by philosophical convenience and routine budget flim-flam, I see the balanced-budget amendment as the one indisputable measure of intent to achieve deficit reduction. The Constitution works; lists haven't.

Yours respectfully,
Phil Gramm
United States Senator
Washington, D.C.

Dear Bill:

I am happy to respond to our friend Pete Peterson's challenge to lay out a credible plan for reducing the deficit. First of all, I'd like to compliment him on effectively identifying entitlement spending as one of the main sources of federal deficits, and for his sincere effort to develop a solution.

As you know, however, I have serious disagreements about his proposals. In his book, *Facing Up*, Peterson calls for a 5 per cent national sales tax, a 50-cent-per-gallon gasoline tax, new limits of deductions for home mortgage interest and health benefits, and a tax of 85 per cent on all Social Security benefits, *in addition to* the higher income-tax rates already imposed by the Clinton Administration. All economic history indicates that such a massive tax increase would cripple economic growth and thus reduce government revenues, further setting back Peterson's ultimate goal of deficit reduction.

There is little disagreement that slow growth increases the deficit. On page 266, Peterson writes: "If real annual GDP growth between 1993 and 1998 were to weigh in one percentage point under what the CBO now projects, it would add $106 billion to our 1998 deficit." In other words, *slow* economic growth causes *higher deficits*. Peterson apparently thinks his tax increases won't slow the economy; I disagree.

According to Lawrence Kudlow, chief economist at Bear Stearns and an *NR* contributing editor, some $140 billion of the FY93 federal deficit is attributable to slow economic growth. Peterson's tax increases would put us further below our historic growth potential, creating more deficits and the justification for Peterson to call for even more taxes!

The main element of his entitlement-spending cuts would be to means test Social Security and other entitlements for recipients with incomes over $35,000. Yes, entitlement spending is growing out of control. But Peterson's solution does nothing to address the underlying *reasons* for the runaway costs of entitlements. The answer is not means testing, which would only prolong the status quo. The reason entitlement spending is growing out of control is that we keep expanding services to an ever greater portion of the population that aren't subject to market competition of any kind.

Furthermore, his means test on Social Security recipients is a disincentive for anyone to save on his own to finance a more comfortable retirement. This leads to what might be called the Peterson Paradox. To increase economic growth, he wants more savings. To raise savings, he wants to reduce the deficit. To reduce the deficit, he wants to increase taxes. But I've never met anyone who said that they would save more if only their taxes were higher.

There is a better way to bring down the deficit. Instead of raising taxes and discouraging saving, why not restrain government spending, eliminate unnecessary programs, and combine it with a tax policy which would create strong economic growth?

Surely, there are areas of government spending, including entitlements, we could cut without creating the problems I've indicated in the Peterson approach. For example, a proposal to cut spending by $90 billion authored by Representatives John Kasich and Tim Penny was narrowly defeated late last year. We should take a serious look at these and other proposals to reduce wasteful government spending.

There is a host of government spending programs, many dating back to the 1930s, which have outlived their usefulness, if, indeed, they ever had any, which could safely be reduced or eliminated. Obviously, it's impossible to run through them all here, but the laundry list includes: big-business export-enhancement subsidies, waste-water treatment subsidies, rural housing development or electrification, power marketing subsidies, and farm-price supports with their attendant administrative bureaucracies, as well as the NEA, the NEH, the SBA.

This would be just the first step in jettisoning our 1930s hodgepodge of federal spending in favor of a twenty-first century budget. We should also end government industrial policy experiments such as fund-

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ing for "smart" highways, supercars of the future, government-funded information superhighways, etc. High-tech porkbarreling has never worked because government cannot possibly foresee what technologies will be on tomorrow's cutting edge.

At the same time, we should follow the lead of our neighbors in Latin and South America (such as Mexico and Argentina), as well as the emerging democracies of Central Europe, by privatizing government services and selling off large portions of the massive government portfolio of loans, land, and other assets. Every successful American business has downsized over the past decade to meet the demands of the global marketplace—it's time for government to do the same.

The real answer to Pete Peterson's challenge is not his call for higher taxes and across-the-board austerity. The answer is combining a pro-growth fiscal policy—which would generate new businesses, new jobs, and more government revenue—with a twenty-first-century budget that limits the interference of government.

Very sincerely yours,
Jack Kemp
Washington, D.C.

Honorable Peter G. Peterson
New York, N.Y.

Dear Pete:

Here are the responses to your letter.

As I view it, there is first the economic question, then the political question.

The first asks whether the Peterson proposals might not actually have a deleterious effect, first on the economy, second on the health of government. Clearly if increased taxation causes diminished production then we are taxing more or less for the sake of it, not in order to diminish the deficit. That point is axiomatic and, in a way, banal: We do not have sufficient data to answer it. It would be fun to sponsor a (politically) isolated Hong Kong somewhere out there (maybe buy Haiti?), and specify two years of taxation at level x, two years at x plus 2 per cent, two years at x plus 4 per cent, etc., so that we could try to measure that which is truly predictable, that which is simply intuitive. For instance, does anyone really know what will be the effect on savings of taxing Social Security for those whose income logs in at over $35,000?

A more elusive question has to do with the size of the state. There is no activity by government that is purely economic in character, the exception being raw redistribution. Years ago, economist Colin Clark advised us all (and J. M. Keynes wrote to congratulate him on his essay) that government overhead in excess of 25 per cent of GNP inhibits growth. But it does more than that, it would appear. It breeds regulation and so affects human spontaneity. What is the economic impact of a federal subsidy to a medical school, which subsidy requires conformity to a huge number of regulations designed to eliminate discrimination, promote discrimination, grant equal opportunity, and—you know the kind of thing I am talking about. A conservative must assume that the reduction in government by, let us say, 1 per cent of GNP is going to result in greater benefits than merely the elimination of 1 per cent in expenditures.

But we have to assume, don't we, that the primary problem is political? You and the panel don't really disagree that cuts should be made and probably wouldn't disagree all that strenuously about where they should be made. You are simply saying: *Cuts in spending have not been made, and there is no prospect that they will be made*, so let's concentrate on augmenting revenues by taxation.

Messrs. Armey et al. remind us that Gramm–Rudman in fact did curtail spending, but was aborted just about when it was showing signs of real life. And, shining through their thought, is the panelists' optimism that public pressure is generating for deficit reduction, pressure that will be felt by legislators.

You are entitled to wonder, as I wonder, what brings on such optimism? It would be good for the panelists each to submit to an interrogation even if conducted only in private. It would take some such form as the following:

1. Ronald Reagan was the most popular President since FDR. He talked about deficit and big government like a preacher talking about fornication. But although he slowed down the rate at which the government was growing, he did not meet the challenge head on, because that challenge was not to slow down, but, at the very least, to freeze.

2. Was it defective leadership in the Executive that emboldened Congress to ignore the deficit challenge?

3. If we were to flash back to the year 1981, what would the panelists publicly recommend that President Reagan endorse?

4. If Congress has not by now passed a spending amendment to the Constitution, what are the prospects that it will do so in the months and years ahead?

5. Is there, in the judgment of the panelists, a persuasive correlation between true fiscal reform and a limited-term amendment?

I thank you for initiating this effort, and recommend to all your important book, *Facing Up: How to Rescue the Economy from Crushing Debt & Restore the American Dream* (Simon & Schuster, $22).

Yours faithfully,
Bill
—WFB

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ON THE SCENE

Foul Ames

KENNETH E. DEGRAFFENREID

Fred Carlson

WASHINGTON, D.C.

LAST WEEK the FBI arrested a veteran CIA officer, Aldrich Ames, on charges of spying for the Soviet Union. The government alleged that Ames collected over $1.5 million for betraying his country, beginning in 1985. Ominously, his spying did not end with the collapse of the Soviet Union. For the past several years Ames spied not for the old KGB (motto: the "sword and shield" of the Soviet Communist Party), but for reformist, democratic Russia.

Even when compared to the long dismal record of American Cold War security failures, damage from the Ames case is appalling. Ames was no ordinary CIA employee and this first major espionage case of the post–Cold War period is not a routine spy *vs.* spy drama. In human terms, the details sicken even the most hardened intelligence officer. It is likely that Ames betrayed as many as ten agents who were working to send back vital information about the Soviet threat during one of the most sensitive periods of the Cold War. All are believed to have been executed.

Ames could not have been positioned to do more damage. As a member of the CIA's Directorate for Operations ("DO" to insiders), he was part of the small, elite element of American intelligence which conducts classical espionage: spying and counterspying with human agents. Unlike satellites and other technical wizardry which provide "the facts," human intelligence is often the key to intentions and meaning.

But Ames was even elite within the DO. He worked the hard target—the Soviet Union. With its thousands of nuclear weapons on hair trigger and a massive secret police and intelligence organ—the KGB—operating around the world, the closed Soviet empire was CIA's highest intelligence priority. Worse yet, Ames had one of the most sensitive jobs in American intelligence, serving for three years as chief of the CIA office charged with *protecting* U.S. intelligence operations from the KGB. If there is one place the U.S. cannot afford to have a spy, it's in the job that Ames held.

For the KGB, it doesn't get any better than this. Ames could supply the details on every agent, operation, technique, and technical gadget. Most important, he could provide feedback to Moscow on how well the U.S. was doing in finding the Soviet/Russian theft of American secrets—not just in intelligence activities, but in sensitive military technologies, war plans, communications codes, and diplomatic moves. For the KGB, Ames may prove to be the crown jewel in their long streak of Cold War espionage successes, stretching from the "atomic spies" of the 1940s to beyond the demise of the Soviet Union itself.

Over seventy espionage cases were uncovered during the "decade of the spy." Beginning in the mid 1970s, Soviet intelligence successfully penetrated virtually every one of the most secret and closely guarded areas and institutions of our national-security structure: the most sensitive operations of the signal gathering National Security Agency (Pelton); satellite imagery capabilities (Kampiles); antisubmarine technology and the Navy's encrypted communications (Walker); virtually all of NATO's war plans (Hall); and the American Embassy in Moscow (Lonetree).

Nor was Ames the first DO officer to work for the KGB: Edward Howard defected in 1985, having compromised U.S. operations and agents during the early 1980s. Coupled with the Soviet Union's extensive technical-collection apparatus, this massive theft of sensitive information and technology by the KGB substantially expanded Soviet strategic military and economic capabilities, and cost America billions of dollars, prolonging the Cold War, and perhaps threatening American survival if a crisis had led to war.

Because human vices remain as prevalent as ever, it is impossible to prevent some people from becoming spies, even in the most sensitive of positions. But disciplined security practices and aggressive counterintelligence can give early detection of espionage, sharply limiting the damage.

To date, however, the intelligence agencies have steadfastly refused to enact achievable reforms that Congress and successive Administrations have recommended and even directed. Intelligence-community leaders have been unwilling or unable to overcome the bureaucratic "turf" considerations which lie at the heart of this resistance. Counterintelligence and security are often derided as "sick think." And as amazing as it may seem, the CIA and FBI are not well integrated; indeed, cooperation is too often resisted in favor of unilateral action or control. The underlying causes for this systemic security failure are still with us.

The President and the Congress can begin to overcome these problems by directing CIA and FBI to integrate fully their counterintelligence analysis and operations, even creating a joint

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new organization, if required. Moreover, we must have a thorough review of our Cold War security and counterintelligence performance so that we can learn from our successes and our mistakes. And we should take a sober look at what the Ames case reveals about today's Russia.

Espionage, like other tools of national policy, is not without a moral dimension. The old KGB was like the Gestapo, not the CIA. As the deadliest secret police in history, the KGB (with its military counterpart the GRU) had the world's largest intelligence and subversive apparatus. And when the Soviet Union collapsed, the KGB stayed on. With a name change and cosmetic touch-up, its espionage activities have continued; one-third to one-half of Russian Embassy personnel are intelligence officers.

But the new Russia should have no need for a KGB: its existence undermines democratic reform, drains needed resources, and upsets valued relations with those who want to help Russian reform (our hard-currency aid shouldn't come back as Jaguars for spies). Most importantly America's democratic institutions, free society, and robust media provide more than enough information about our intentions and capabilities.

The Clinton Administration, which seems not to have given much thought to the continuing need for American intelligence or for serious protection of American secrets, would do well to expel all known Russian intelligence officers, as the Reagan Administration did in 1986. By informing Mr. Yeltsin that a Russian intelligence service with the size and purpose of the KGB is simply inconsistent with democratic reform, the President would be helping that reform and protecting American security. □

France without Tears

DAVID BROOKS

PARIS

IN FEBRUARY, French fishermen took to the streets. They rampaged through a Paris fish market with axes and clubs, destroying a day's catch of imported fish before doing battle with police. Then, in Brittany, 5,000 fishermen marched through Rennes, with metal pikes, Molotov cocktails, and pistols. They torched cars, trashed stores, ripped up pavement, and attacked the riot police (134 officers were injured). One of the rioters shot a flair into the seventeenth-century Breton parliament building. In the ensuing inferno, the building, an important symbol of Breton pride, was severely damaged. Lost was the library containing hundreds of priceless manuscripts and the famous roof of 1655 (in the image of an inverted ship's hull).

The reaction to the riot was swift and predictable: immense public support for the rioters and a total government cave-in to their demands. Prime Minister Edouard Balladur offered the fishermen guaranteed prices for their product, several million francs in benefits, and special tax breaks.

It's been said that French governance is dictatorship interrupted by riots. The argument is that the French state is so centralized and remote in Paris, that the French people have to behave savagely in order to be noticed. But there is a larger problem that is now quietly dominating French politics. France is a country with a modern hugely successful private sector but with quasi-medieval notions about political economy.

A friend who teaches at Science Po, one of the training grounds for the French elite, reports that the students come to the institute with an amazing knowledge of philosophy, but their understanding of economics is rudimentary. He credits this state of affairs not to the excellent school system, but simply to French culture. Philosophy is always in the air in France, economics is not. The result, it seems, is that French commentators tend to take debates on topics such as trade and regulation—which should be largely debates about economics (that is to say trade-offs)—and they transform them into highly charged debates about philosophy (that is to say, right and wrong).

Public discussion in the U.S., Britain, or Germany is based on the premise that market competition is the natural order of things. But the loudest voices in France do not accept that the rules of open competition are legitimate, or even inevitable. Many French people, for example, seem to have funny notions about market share. They speak as if market share is like a birthright, and that a person or company—especially a foreign company—that tries to come in and outproduce its competition is violating the rights of man.

The French fishermen are upset because merchants from nations ranging from Russia to Britain are able to undercut their prices. Of course it is possible to have a debate about the merits of trade barriers, but instead the fishermen are depicted as hearty defenders against injustice, evil, and oppression. "Everyone loves the fishermen. These proud sailors. These brave captains . . ." editorialized the French Sunday paper, *Journal du Dimanche*, the day after the riots. Edouard Balladur seems to agree. Announcing his capitulation to the fishermen, he declared, "We are ready to use all possible means for those threatened and wronged by the evolution of society." Threatened maybe, but wronged?

There is no French Right that is analogous to the American Right, fervently believing in the essential justice of the free market. There are, however, a few individuals who introduce this element into the French debate. Until he took office, it seemed Mr. Balladur was one of them. Over the years he has written books and articles (including several for the *Wall Street Journal* editorial page) that reveal a sophisticated economic mind. But as prime minister, Mr. Balladur is plagued by fears of riots and civil unrest. He now speaks often of the disorder of 1968, and says that France's 12 per cent unemployment rate has contributed to a "climate of fragility." In the world he depicts, France is on the edge of chaos: "Beware of popular revolts when reason becomes hopeless."

His operating principal seems to be that it is reckless to shove significant market reforms down the throat of a country that does not accept the remedy. In principle, no nation should be forced to swallow reform it doesn't support or understand. But in practice, Mr. Balladur's caution has led

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him into a series of craven surrenders. When Mr. Balladur came into office, he ordered the chairman of state-owned Air France to institute a cost-cutting program so that the company would be fit for privatization. Air France, or *Aeroflot à la Française* as it is known, is running $1-billion annual losses. The chairman, Bernard Attali (twin brother of the flamboyant Jacques) subsequently drew up a plan that would cut some wages and shed 4,000 of the company's 44,000 jobs. The plan was endorsed by the government with the transport minister Bernard Bosson declaring it "irrevocable."

Then Air France workers began rioting. Surveys revealed that 70 per cent of French citizens supported the rioters. True to form, a similar percentage said they would support any strike designed to prevent layoffs. A Trotskyite labor organizer, Michel Bousquet, suddenly became a national star, with his talk of a "new dynamics of a class struggle" and rising proletarianism.

The Balladur government caved in, withdrawing the plan. Mr. Attali, who argued that Air France would collapse without the measure, resigned.

Mr. Balladur's declared strategy of moving toward economic modernization as gradually as public acceptance allows implies continued if unsteady movement in the right direction. This has not always been in evidence. In fact, Mr. Balladur has earned the nickname The Tango King because of his tendency to take one step forward and then two steps back.

His party campaigned on a platform of tax cuts, but immediately raised taxes in office, with tiny incentives built in to reduce savings and encourage home buying and other consumption (car owners were offered a $850 government subsidy if they exchanged decade-old cars for new models). An education reform, designed to provide more funding for the Catholic schools (which are state funded in France) sparked a protest rally among French leftists. Needless to say, Mr. Balladur caved in, and withdrew the plan.

His greatest triumph to date, according to most of his countrymen, is his handling of the GATT round, during which he thoroughly outmaneuvered the Clinton Administration. It's true that he successfully brought France into GATT, but he did so in a fashion that conveyed the impression that trade is a global war, and that a

Stephen Moros

government's purpose is to erect as much protectionism as other nations will allow. In the long run, that will have a damaging effect on French attitudes and damage France's standing among other trading nations.

His ministers and partisans have been trying to make a virtue of all this. Industry Minister Gérard Longuet told a radio interviewer that one of Mr. Balladur's great qualities is that "he has enough inner calm not to be a prisoner of convictions."

And politically, there is no arguing with success. By caving in to the prevailing French desire to avoid the realities of the global marketplace (while possessing a personal style that is the opposite of craven), Mr. Balladur has remained remarkably popular. He is now the front runner to become president of the republic when François Mitterrand's term ends in May 1995. He had been given the job of prime minister by the leading right-wing politician, Jacques Chirac, so that Chirac would be free to make his own presidential run. But with his, Mr. Balladur has now eclipsed Mr. Chirac. The great friendship between the two men is now more like a rivalry.

The awful possibility is that Mr. Balladur might be right about the "climate of fragility." Perhaps violent French interest groups really do have the power to veto market reform. If so, then France's problems can only grow. Already it has the second-highest public spending as a percentage of GDP in Europe. Its welfare state is straining at the seams. Its nationalized industries serve as a drag on the economy. Like the rest of Europe, France is entering a decade in which it will be forced radically to rethink its welfare system if it is to match American and Asian productivity levels.

Already the French unemployment rate has been ratcheting up for the past two decades, and now stands at 12 per cent. If nothing is done, what will happen during the next recession, when unemployment hits 15 per cent, or the next, at 17 per cent? The mood will be beyond fragile.

Somebody in France has to change the way people talk about the global economy. Social pressure keeps the businessmen quiet. The loud voices cry out about Anglo-Saxon conspiracies, economic wars, and malevolent threats. France needs a revolution against *dirigisme*. But before that can happen some philosophers have to launch an economic enlightenment. □

The Health of the GOP

JEFFREY TAYLOR

WASHINGTON, D.C.

WITH THE Clinton health-care plan in terminal condition on Capitol Hill there is every sign that less-ambitious reforms will be adopted this fall. The problem is that even a modest package could contain the seed of a massive new entitlement and further distort the workings of the health-care economy. Right now, Republican lawmakers risk having their fingerprints on injurious legislation because they are leery of arguing the straightforward case for a free-market approach to health care. Yet, the short-term omens are propitious.

Hillary Clinton may fight it, but Bill Clinton will be forced away from major parts of the plan in the give-and-take of committee. Mandatory health alliances have already been targeted by Ways and Means health subcommittee chairman Representative Pete Stark (D., Calif.), a single-payer supporter who would like to

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bring the service and quality of Medicare to every American.

The slow-spreading secret is that once the mandatory alliances are gone, the Clinton plan's already-shaky claims to cost containment melt away. Congressional Budget Office (CBO) staffers privately concede that without the monopoly buying power of the alliances, CBO would have found the financing of the plan totally unworkable. Liberal House Democrats are willing to use that shortfall as an argument for an overt payroll tax.

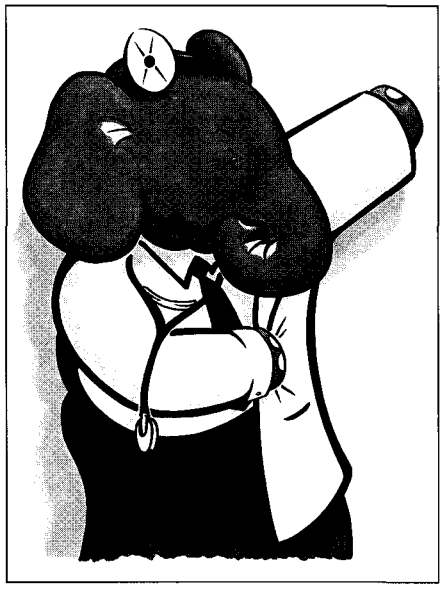
House Republicans are well positioned to highlight how they differ from Democrats on these issues. They intend to get as many committee votes as possible on payroll taxes, government-set fee schedules, and mandatory alliances. In fact, in a break with procedure, they will ask for recorded votes on all committee amendments.

Republicans have largely succeeded in convincing the public that mandatory alliances and the government-determined benefits package of the Clinton plan mean the loss of freedom for patients. But the telling fact is not everyone knows what is in the alternative bills they support. For example, one prominent conservative House member was surprised to learn the Nickles–Stearns bill relies on community rating to help guarantee universal coverage.

In town meetings and poll numbers, it has been clear that community rating is perceived as unfair once the public understands what it means. Much of the anger over rising medical costs is the perception that one person's money is being used to pay for other people's care. By leveling the differences between the health-conscious and the reckless, community rating has the effect of rewarding irresponsible behavior. For example, smokers and non-smokers pay the same premium. A particular irony is that the kinds of things which drive up health costs—drinking, smoking, drug use, promiscuous sex—are familiar targets for the GOP pro-family agenda. In addition to the political hazards of community rating, it robs a powerful incentive for staying healthy—lower insurance costs—from the policy mix.

Even the fallback, basic-level GOP initiative—the Michel–Lott bill—includes elements that could be exploded once the Clinton bill crashes. In addition to reforms like medical savings accounts (MSAs) and tort reform, Michel–Lott includes limits on premium increases—another way to short-circuit the insurance market. Once having gone on record supporting the concept of price controls, it is difficult to see on what grounds GOP members can eventually back away from them when they appear in a Democratic bill or Clinton II.

With the issues of fairness and patient freedom so clearly favoring Republicans it would be a mistake to craft any bill behind closed doors. But it appears that approach has already started with a two-hour meeting February 22 at the White House which included Senate Minority Leader Robert Dole and Senators John Chafee (R., R.I.) and Don Nickles (R., Okla.).



Robert Prince

Democratic players from the Hill, Finance Committee Chairman Daniel Patrick Moynihan (D., N.Y.), Education and Labor Chairman Edward Kennedy (D., Mass.), and Majority Leader George Mitchell laid out the need for some flexibility to the White House triumvirate of Ira Magaziner, David Gergen, and George Stephanopoulos. By several accounts, there was broad agreement from all sides that universal coverage should be the outcome of legislation. The only difference was over what mix of mandates and tax increases to adopt to achieve it. "It sounds like they gave away the shop," observes Cato Institute analyst Michael Tanner.

On the dicey issue of mandates that require the purchase of insurance under the threat of fines and civil penalties, Republicans seem to be faced with a lose-lose situation. The job-destroying effects of an employer mandate are not hard to grasp; the Employment Policies Institute estimates a mandate of the type envisioned by the Clinton plan would cost 3.1 million jobs. But the individual mandate immediately raises the question of who will decide what kind of plan will satisfy the requirement and what will happen to those individuals who don't meet it. Republican dalliance with a mandate on individuals puts them in the cross-hairs of the potent Clinton class-warfare machine. Just as James Carville helped to demagogue a tax increase on upper-income taxpayers, the choice between a mandate on fat-cat employers and a requirement that Sally Lunchbucket pony up for a government-approved plan seems a political loser. Dole, who has found fault with the employer mandate, has signaled repeatedly that individual mandates are the proper GOP course. The danger of GOPers being identified with the employee-pay route has been diluted somewhat with congressional Democrats now exploring individual mandates as a way of exempting small business from a back-breaking requirement.

Having once threatened to bottle-up health care this year, Moynihan is now bringing his own agenda forward. He never accepted Hillary's promise of an end to health-care cost increases and is not eager to gamble both Medicare and Medicaid on the assumption that costs in this service sector will reverse course and fall. Mandatory alliances are out because of the straightjackets they would place on New York's teaching and research centers. Voluntary co-ops, however, are a more likely method of cost-containment. Concerns about making the reform bipartisan have led Moynihan to court Dole of late and his staff has spoken of Dole's inclusion as a necessary part of any legislation.

Dole, in little noticed remarks, has said he hopes the 1983 overhaul of Social Security can be a model for how the Finance Committee operates this year. Then, with Dole as chairman, the committee overwhelmingly opted for an increase in payroll taxes from 6.7 to 7.51 per cent. Payroll taxes do not now appear to be in the mix on the Senate side, but the specter of a Dole–Moynihan parley has House Democrats in a panic to lurch as far left as

(Continues on page 76)

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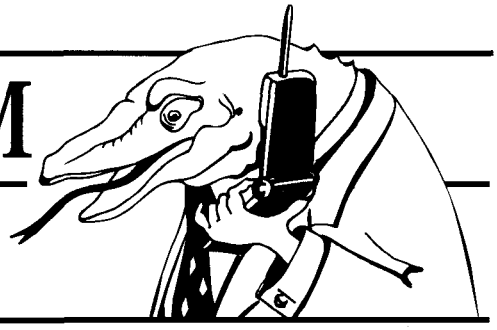
RANDOM WALK



■ In a recent *Esquire* survey, 25.6 per cent of young women reported that the investment-banker-in-Armani-suit image is most appealing to them, easily outdistancing six other "images." I rang Giorgio to congratulate him on his great numbers. But when the Fed boosted the discount rate by a quarter-point, the market took a one-day 96-point dive—and that kind of number can ruin your weekend.

The market resumed its upward trend on Monday, and word on the Street is that Greenspan's tightening was a one-time event. I'm not buying.

When I rang Bruce Bartlett at the Alexis de Tocqueville Institute, he told me that only twice in the last 25 years has the Fed made single, isolated rate changes. On average a change in the direction of rates, upward or downward, is followed by four more rate changes in the same direction. Since 1958, he said, there have been eight Fed tightening cycles. The average cycle, 36 months, raised short-term interest rates by about 400 basis points and long-term rates by 250 points. A Bear Stearns analyst, using the slightly different calculation of a rise in the federal-funds rate from a low point, figures that the most recent action is the *tenth* episode of Fed tightening since 1961.

But interest rates and stock prices aren't the same thing—and they don't always move in the same direction. In seven of the ten cases the S&P 500 was *higher* six months after the initial interest-rate hike. Only in 1961–62, 1977–78, and 1981–82 did the market sink for a prolonged period—and you can chalk up the last of these to Paul Volcker's inordinate fear of inflation on the eve of Reagan's tax cut.

But be careful. The financial markets greeted Greenspan's move with a sharp rise in long-term interest rates—exactly the opposite of the intended effect. This, of course, could mean that further tightening moves could be on the way, as in the past. And those two harbingers of inflation, commodity prices and the price of gold, have been rising at a rate higher than the broad market indexes for the last year.

My hunch is Mr. Greenspan and his chums aren't just taking a random walk. So watch out you don't lose the Armani off your back—at least not more than 25.6 per cent of the time.

■ What *everybody* knows is that the market doesn't need any nasty surprises. Are you listening, Washington? Probably not. A Capitol Hill friend complains to me about the new Commission on Entitlement Reform. The whole bipartisan cast of unsavory congressional characters who sat at the table with Dick Darman at Andrews Air Force Base in 1990 are back on this commission—Dan Rostenkowski, Jim Sasser, Dale Bumpers, Alan Simpson, Pat Moynihan, Pete Domenici, and Martin Sabo. My friend's complaint is that these very same people have spent long careers in Washington creating the entitlement crisis they're supposed to fix.

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"I couldn't bring my money with me, but I can still manage it."

Besides the usual suspects, the panel will be home to left-wingers like former Congressman Tom Downey and Bob Greenstein of the Center on Policy and Budget Priorities. My friend is skeptical that these two old soldiers in the war on poverty are eager to trim the costs of welfare entitlements. Pete Peterson, the Left's favorite Republican, is also on board.

The entitlement panel has been dubbed the "Kerrey Commission," because it was a pay-off to Senator Bob Kerrey for casting the deciding vote for Mr. Clinton's budget last year. Kerrey demanded the commission because he says he wants more cuts in the escalating costs of entitlements. But the Clinton White House—I can only admire their double-dealing—inserted a subtle change in the commission's job description. Now its duties include recommending "alternative tax-reform measures." What that means in plain English is that its mission is to recommend a VAT, taxation of government benefits, and other new ways to feed the beast.

Mr. Clinton was apparently pushed into creating this commission, but it may prove to be a blessing in disguise for him, providing revenues for the soon-to-be "badly underfunded" government-run health-care system.

■ An obscure provision of a 1992 energy law requires workers who receive free or subsidized parking from their employers to pay income tax on the portion of its value above $155 per month. The sponsor of the rule, Representative Matsui of California, saw this as a way to wean commuters from their cars and promote cleaner air, while also raising a little revenue.

The IRS saw something else: the end of a tax loophole prized by many of its own officials. So before the law took effect the tax agency ruled that employers could apply any "reasonable good-faith" method in calculating the value of this perk for their workers. The agency then figured the value of a space in its garage underneath Constitution Avenue based on the (ridiculously low) rent it pays to the General Services Administration instead of the rates charged at nearby private garages.

As a result, none of its employees need declare the parking perk on their 1993 tax returns. The underground economy, literally, lives. —GEKKO

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CONSERVATIVE MANIFESTO

PETE DU PONT

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain Unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights Governments are instituted among men, deriving their just powers from the consent of the Governed."

—The Declaration of Independence, July 4, 1776

HOWEVER many times these words are quoted, they still sound fresh. Thomas Jefferson's eloquence provided the spark for one of the most successful revolts against a tyrannical state in history.

The idea of the divine nature of the individual and his or her superiority to the state has not come easily or cheaply. The blood of millions has been shed in defense of this seemingly simple idea. But the idea of man's superiority to the state will not die, because it is grounded in the divine nature of man—not of kings. Man is endowed by his Creator—not by the state—with "certain Unalienable Rights."

From Hitler to Stalin and Honecker, Duvalier and Castro, Saddam Hussein and Milosevic, as the challenges to our creator-endowed freedoms have become clear, individuals have risen up to throw off the shackles of tyranny. It took seventy years in the Soviet Union, but the inevitable revolution occurred.

Sometimes, however, the threat posed by the state to man's freedom is not so clear. Sometimes it comes gradually, offered in tempting packages put forward by well-meaning people who believe with all their hearts that they know better how to improve the lot of all. All that is necessary is that we provide them with certain powers, and that we sacrifice only a few of our freedoms, to provide a better and more equal world for all. A better world, of course, as viewed by them.

The arrogance of the notion that an elite corps of the best and the brightest can make society better and more equal continues to be lost on the Left. So has the inevitable failure of their efforts and the suffering their suffocating ideology has brought to millions of its victims. But that has not deterred them.

Even in America, amidst the greatest success of political and economic freedom in the history of the world, generations of central social and economic planning have finally fostered a new culture—a culture of dependency, rampant crime, single parenthood, broken families, tribal-like group competition, and a turn away from personal responsibility.

Our political leaders preach a message of class envy and so demand collective solutions to our problems. They tell us we can individualize opportunity and collectivize risk; that we may enjoy the benefits of our society but have no responsibility for its costs; that the less than successful are helpless victims of unfairness. But they are wrong. The balkanization of society into competing ethnic or economic groups treads upon the dignity of the individual and it is only individual effort and ingenuity that will support a prosperous society. The fundamental bargain of a free society is that progress and opportunity require individual discipline and responsibility.

But if conservatives are to be proved right sooner rather than later, we must rise once again to the challenge of demonstrating that a course of personal freedom, moral responsibility, and individual opportunity will inevitably provide for a more bountiful, a more rewarding, and, yes, a more just and equal society than any alternative known to man.

The election of 1992 revealed a deep dissatisfaction among voters. Government is seen to be corrupt, self-aggrandizing, and disconnected from individual concerns and understanding. Reform is not enough. Conservatives must offer an alternative that is not just the opposite of liberalism—small government where they favor large, individualism where they favor group entitlements, free markets where they favor regulation—but a profound and fundamental "re-visioning" of the philosophy of American government.

President Clinton's Administration has already embarked on a program of higher taxes and greater government involvement in our lives. To oppose that course is important, for reducing the power of government and concurrently increasing the power of the individual are essential tasks in reimplementing this conservative vision. But that is not enough. The conservative vision of-

Mr. du Pont, the former governor of Delaware, is chairman of the Committee for American Leadership and president of the National Review Institute.

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fers a government subservient to and reinforcing the spiritual and economic imperatives of the individual. We must reject outright the collectivism of liberal government and advocate the Jeffersonian vision of personal freedom, moral responsibility, and individual opportunity upon which the success of democratic capitalism rests.

Strong Foreign Policy

To protect our liberty, America must be the world's predominate economic and military force, able to project overwhelming military power anywhere around the globe. But that power must be used only to advance America's direct national interests.

THE FIRST DUTY of government is to protect the safety of its citizens. The traditional expression of this responsibility is a strong defense. Despite the end of the Cold War and the diminished threat of the former Soviet Union, military strength has not lost its relevance.

History teaches that rapid disarmament following a perceived elimination or reduction in the threat to freedom inevitably has tragic consequences. From the Congress of Vienna to the Treaty of Versailles, free nations have paid a terrible price for letting down their guard in times of diplomatic euphoria.

America stands poised to repeat this tragic mistake. The peace children of the 1970s are disarming the United States at a frightening pace. The Clinton defense program would have this country spend a smaller percentage of its GNP on national defense than at any time since Pearl Harbor.

In an age when missiles can traverse the globe in minutes, threats to U.S. security are unlikely to develop so gradually that incremental military build-ups are sufficient. The United States must be prepared, hour by hour, to defend its interests.

Threats to U.S. security are diminished, not removed. The Russian reforms have become paralyzed. Response to unrest in the boundary states of the former Soviet Union is increasingly a military response.

The Soviet transition is far from complete; so too is that of the People's Republic of China. Both may end where they began; it is too soon to be sure. But it is not too soon to ensure that America sustains the military capability she will need should the future turn out to be a reflection of the past.

Strengthening U.S. security in this uncertain world requires:

—*Restoring our defenses to end of* the Cold War capability. A defense budget of at least 5.5 per cent of GDP (compared to 4.7 per cent in FY93) will be needed to maintain the capacity to conduct a Desert Storm operation, deploy an adequate navy to protect the sea lanes, and develop a strategic defense.

—Having the United States unilaterally maintain command and control of U.S. military forces; the lives of American military men and women should not be put at risk for anything less than the direct national interest of the United States. America's security interests must not be subordinated to international consensus or UN supervision. The mirage of multilateralism has no place in national defense policy.

—Building a strategic defense capability to protect American territory and interests against missile attack. Tonight we sleep defenseless against a single missile launched from anywhere by unknown terrorists.

—Continuing to support economic reforms, but preparing to confront an expansionist Russia, for the passions of nationalism, totalitarianism, and economic expansion have not been extinguished. U.S. policy must oppose the use of Russian force in the former Soviet states and support the legitimate defense needs of Poland, the Czech Republic, Hungary, and the Baltics.

Safe Streets, Restful Sleep

The safety of our streets and neighborhoods is the first domestic priority of American society. It is achieved by removing from the streets the recidivists committing a

The du Pont Doctrines

■ To protect our liberty, America must be the world's predominate economic and military force, able to project overwhelming military power anywhere around the globe. But that power must be used only to advance America's direct national interests.

■ The safety of our streets and neighborhoods is the first domestic priority of American society. It is achieved by removing from the streets the recidivists committing a large portion of crimes, and increasing the capability of law-enforcement entities.

■ Encouraging a market economy is the nation's first economic priority. Lower tax rates, limited government regulation, and open international markets will encourage economic prosperity.

■ Government cannot fulfill people's lives; only the energy and freedom of individuals striving to excel can do that. Government policy must help them by reducing its intrusive role and reinvigorating federalist principles upon which our constitution was based.

■ America's social compact offers equality of opportunity to all and compassionate help to those in need. In return, it demands individual responsibility. We must erase from our laws preferences based on gender, race, sexual orientation, or national origin. Our policies must support the primacy and authority of the family, the work ethic, and an insistence on civil behavior.

■ A cohesive society requires a set of shared beliefs that define the behavioral norms of all its members. Our governmental policies must positively reinforce the American culture; they must abandon moral neutrality in public policy and affirm such values as our common language, the role of religion in our lives, and the individual pursuit of excellence.

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large portion of crimes, and increasing the capability of law-enforcement entities.

THE GREATEST threat to the safety of American citizens today comes not from foreign enemies, but from domestic crime. Some 24 million people each year are the victims of serious crime. Crime has increased fivefold since 1960; violence has exploded. A young black male is more likely to die by violence than any other cause, and, as George Will has written, millions of our children go to bed each night to the sound of gunfire. Vast sectors of our cities are effectively controlled by criminals, while in too many neighborhoods crime overwhelms all else; school, home, and work environments are often helpless in its grip. This violence is imposing a terrible physical, psychological, moral, and economic cost upon society, in pain, suffering, trauma, and dollars.

Yet the perpetrators of much of America's crime freely walk the streets of our cities and towns. According to former Attorney General William P. Barr, some 30 per cent of all murders, 25 per cent of all rapes, and 40 per cent of all robberies are committed by men out on bail, probation, or parole. William Bennett's *Index of Leading Cultural Indicators* documents that the median prison sentence served for conviction of a serious crime is just eight days.

For thirty years the liberal response to the rising tide of criminal violence has been therapeutic: understand, help, and rehabilitate the criminal. It is a tattered vision, rent by the reality of intentional, repeated, and malevolent violence.

The conservative response is different: certain punishment for proven crime, compassion for victims, and prevention of crime by removal from society of its perpetrators and increased resources for law enforcement.

Conservatives also believe law enforcement is the constitutional responsibility of state and local government and should remain so.

To make America safe again we must:

—Remove from the streets that small class of recidivist violent criminals—perhaps fewer than half a million of them—who commit the preponderance of the criminal acts.

—Lengthen the time served in prison by convicted criminals, mandating life sentences without parole for multiple violent felony convictions.

—Restrict parole for violent offenders and prisoners testing positive for drug use. Increase the use of pretrial detention for dangerous and second-offense defendants. Try repeat violent juvenile defendants as adults.

—Strengthen law enforcement by constructing 500,000 new prison beds and training 100,000 additional police officers.

—Make sure that illegal drug use and sale remain criminalized. The Federal Government should continue its drug interdiction and seizure programs.

—Reaffirm our allegiance to the Second Amendment's right to bear arms. Unilateral disarmament of law-abiding citizens in the face of armed criminals is as ill-conceived a policy as disarmament of a nation faced with international aggression.

Economic Prosperity

Encouraging a market economy—history's only mechanism through which ordinary citizens can benefit from rising living standards—is the nation's first economic priority. Lower tax rates, limited government regulation, and open international markets will encourage economic prosperity.

AT THE CORE of the spectacular success of the American experiment in democratic capitalism lies a market economy. The tragedy of the liberal hour has been its rejection of market economics and its embrace of the arrogant belief that the best and brightest at the helm of the ship of state can steer a more prosperous economic course than the market can steer for us. As we have witnessed, particularly in the decade of the 1980s, the millions of daily decisions made by free people in a marketplace of choices will maximize both opportunity for individuals and the prosperity of the nation as a whole.

To accomplish these goals, conservative economic policy is founded upon six principles.

1. No economic program can be successful without low inflation and sound money. The marketplace is best served by a predictable growth of the money supply, tied to a commodity basket or some other stable indicator, that will rise only as the economy expands. Political manipulation of the money supply must not be one of the tools of government.

2. Tax policy should focus upon creating the greatest possible economic growth and collecting revenue in the fairest, simplest, and least economically distorting fashion. Current tax policy, heavily weighted against the successful, the productive, and the innovative, must be reversed. Repealing the Bush and Clinton tax increases and setting a top marginal tax rate of less than 25 per cent (fully indexed for inflation) are our immediate objectives.

3. Vigorous international trade must be encouraged by expanding the NAFTA concept beyond Canadian and Mexican markets. Protectionism is a statist policy; the government by tariff and quota both regulates and retards economic growth. Further, keeping foreign goods out of America is unfair to all of us. It reduces the choices we have in the market, raises the price we pay for goods, and costs us jobs in export and domestic industries.

4. Limiting federal and state regulation of enterprise to what is necessary to provide information to consumers and ensure transactional fairness will increase private-sector innovation and opportunity. Individuals are better served by a refereed marketplace than by politically motivated, centrally directed economic planning. Every industry, from airlines to trucking, that has been deregulated has become more efficient and offered lower prices to consumers. Deregulation of financial-

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services institutions will promote more customer opportunity and security; deregulating telecommunications services will provide higher quality and less expensive service. Market solutions to environmental challenges will provide a cleaner earth at a fraction of the cost.

5. Similarly, ending market-distorting production subsidies and price supports will reduce consumer prices and increase opportunity. An economic freedom, constitutional amendment in the Milton Friedman mold will guarantee these opportunities:

> Neither Congress nor any state shall make laws abridging the freedom of sellers of goods or labor to price their products or services.

Such an amendment would end all sorts of collectivist tinkering, from New York City's (and other locations) rent-control statutes, to agricultural price supports.

6. Reform a legal system that is placing heavy burdens upon society through both litigation delays and liability costs. Placing the burden of legal fees on the losing party (as in Britain), assessing full cost for use of the courts for those who can afford to pay, and sharply restricting punitive damages would begin reform.

Less Is More

Government cannot fulfill people's lives; only the energy and freedom of individuals striving to excel can do that. Government policy must help them by reducing its intrusive role and reinvigorating federalist principles.

ONE HUNDRED YEARS after the founding of the Republic, the Federal Government spent less than 3 per cent of GNP. Fifty years later, in 1937, it consumed only 9 per cent of GNP. Today the figure has reached 24 per cent. Hospital cost controls, mandated family leave, environmental standards, welfare regulations, are all enacted in Washington to limit authority in our hometowns. Federal courts decree the location of community public housing, regulate the disposal of municipal garbage, order the busing of young children to distant schools, and override state constitutions in taxing citizens to pay the bill. The idea of federalism and limited government, the philosophical underpinning of our Constitution, is slipping away.

Much of the responsibility for the erosion of the Constitution's dual sovereignty compact lies with the Supreme Court. The surest opportunity to return to America's founding philosophy therefore lies with the Court as well. It should begin with disapproval of federal gerrymandering of local legislative district boundaries to achieve specific racial or ethnic election outcomes, in contravention of Article I, Section 2, of the Constitution. The Court should overturn *Roe* v. *Wade*, an exercise in denial of state authority as abundant in political support as it is lacking in constitutional nexus.

But legislative opportunities to reduce the intrusive role of the public sector in private life are legion.

—A constitutional restraint to limit Federal Government spending to less than 20 per cent of GNP is the first step. In the meantime, fiscal policy should restrain the annual growth of federal spending to less than the rate of GNP growth, so that the public sector shrinks as a percentage of GNP.

—The marketplace should be used to provide the delivery of basic services to individuals and families. The problem in America is not that we do not spend enough alleviating our problems, it is that the systems we are using to alleviate them are wasteful, unworkable, and unresponsive to individual needs.

Health-care IRAs and tax credits for individual health-care expenditures offer a sensible, market approach to paying for health services; they permit greater individual choice and demand greater individual responsibility. It is a simple truth that until people begin using their own earned dollars to pay for health care, it will be overpriced and overused.

Nor should the Federal Government be providing retirement income for the vast majority of citizens capable of providing for themselves. There is an urgent need for a market-based retirement option that will increase benefits for the retired and avoid impending massive payroll tax increases that will destroy job opportunities for the young.

Finally, parents should be empowered to choose whatever school—public, private, or religious—is best for each of their children. Educational funding should follow the student to whatever school parents select, for it is adoption of market principles that will inject competition-driven improvements in our schools. The current system, with its lame emphasis on self-esteem, as opposed to substance, and its mediocre performance is a standing injustice to our children. It cannot be reformed. It can only by replaced—by a system based upon the market and responsive to the individual.

A series of federal statutes should be enacted to allow states to govern all matters which, in Madison's words, "extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State." Thus state employee wages, wetlands, and welfare regulation, for example, are left to state government. Uniform national rules, as proposed in President Clinton's health plan, for example, are not beneficial to society. They limit individual freedom, and retard both innovation and improvement in the quality of goods and services.

—Limiting the terms of elected officials will also serve to limit the power of government and thereby enhance the power of individuals. Upholding the power of voters to enact term limits will provide an early test of the Supreme Court's renewed commitment to federalist principles. No stronger admonition can be delivered to those abusing federalism than to empower their victims to limit their opportunity to do so.

Social Policy

America's social compact offers equality of opportunity to all and compassionate help to those in need. In re-

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Floyd Brown is the Editor of *ClintonWatch*. He is a long-time conservative observer and activist, and author of *"Slick Willie": Why America Cannot Trust Bill Clinton*, a bestseller published just before the election that revealed the unvarnished truth about "Slick Willie Clinton".

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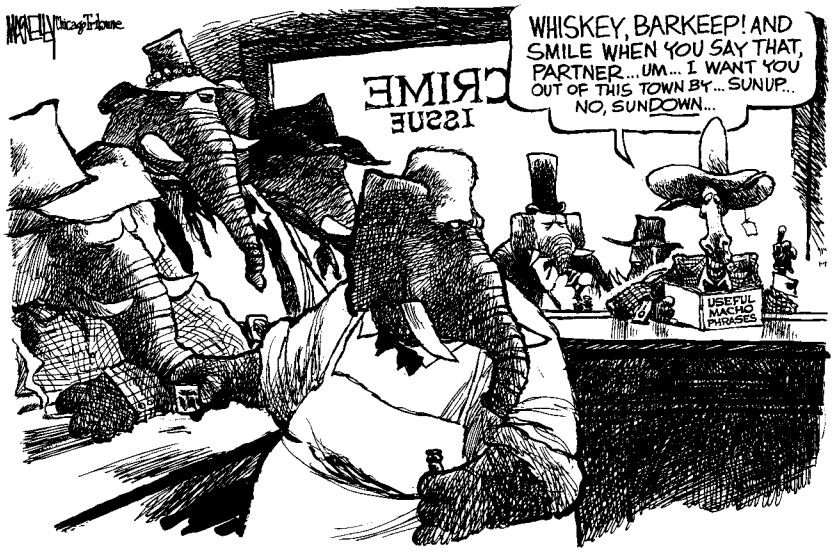
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turn, it demands individual responsibility. We must erase from our laws preferences based upon gender, race, sexual orientation, or national origin. Our policies must support the primacy and authority of the family, the work ethic, and an insistence on civil behavior.

THE AMERICAN EXPERIMENT, to use de Tocqueville's phrase, has created the most rewarding society in the history of mankind. It has offered the individual freedom and a virtually unbounded opportunity to excel.

The fundamental bargain of a free society is that progress and opportunity require personal discipline and responsibility, and this requirement extends to every individual, not just to the successful and advantaged members of society.

On the one hand, our social compact offers freedom to the individual, education to help people develop their skills, and compassionate assistance to weather the rough times of structural change, economic contraction, and poverty.

But there is a second half to the compact, too—the individual's responsibility to society. In return for America's opportunity, we are expected to accept responsibility for our own lives and to conform to social norms. Drug use is outside the pale; so is violent behavior. The ultimate responsibility of the citizen in the social compact is to be a law-abiding contributor to the whole, not an outlaw demanding entitlement to his or her own vision of ordered civility. If you want society's help, you work, you don't do drugs, have more welfare babies, rob, assault, or kill.

To strengthen this social compact:

—Reaffirm the two-parent family as the norm in American culture and respect the primacy and authority of the family unit. Government must defer to the authority of parents regarding the teaching and raising of children. Stop championing unwed motherhood as an alternative lifestyle, make divorce more difficult to obtain, and raise the child-care tax deduction to $7,000 in order to restore its value to postwar levels. Use the power of the law to enforce fathers' economic responsibility for their children.

—Replace the failed policies of the welfare state with the work ethic. The perverse incentives of liberal social policies, which reward illegitimate births, idleness, and family breakdown have destroyed families and devastated the social underclass.

The replacement of the work ethic by the welfare state has destroyed the opportunity, the dignity, and the cohesion of poor families in America. No marginal improvement in tax rates, no health- or day-care benefits or transportation vouchers can repair a system based upon the destructive premise of permanent welfare assistance. The work ethic is at the core of a healthy society, and the individual responsibility of doing a job, earning a living, and striving for improvement is crucial to restoring opportunity and self-respect to underclass Americans. We must replace welfare with work. For all able to work, America's social compact demands work; public compassion is balanced by private responsibility.

—Reaffirm the Fourteenth Amendment's guarantee of equal protection of the laws by erasing preferences based upon race, religion, origin, and gender.

Thirty years ago America turned a corner in race relations, acknowledging and repudiating the racism in its past and taking the first steps on the path toward equality of opportunity for all. But the civil-rights revolution soon abandoned its emphasis on individual rights, and embraced racial and ethnic identification as the talisman for rights and remedies in everything from jobs to jury selection to the drawing of voting district boundaries.

The quota system has become so pandemic in universities, businesses, and government today in America that an entire philosophy—multiculturalism—has had to be invented to justify it. The truth is that affirmative-action quotas are both unjust and untenable. They are unjust because they punish those who have done nothing wrong. They are untenable because they undermine the concept of merit and the individual pursuit of excellence.

The conservative vision must challenge the very basis upon which we help the poor and the underclass, rejecting the affirmative-action quota model outright, and returning to the concept of race-blind impartiality and fairness for each individual, to Martin Luther King's dictum that a man should be judged not by the color of his skin but the content of his character.

—Extend the social compact only to legal immigrants, and control our borders so that only legal immigrants enter. America owes no duty to citizens of other nations; excepting the occasional political refugee, our policy should limit immigration to the skilled and ener-

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getic, those individuals most likely to contribute to our society.

Finally, government must abandon the statist, utopian concept of equality of results, and emphasize instead the critical importance of individual opportunity and economic growth to assuage society's inevitable inequality of outcomes. For as Michael Novak has noted:

> Real differences in talent, aspiration, and application inexorably individuate humans. Given the diversity and liberty of human life, no fair and free system can possibly guarantee equal outcomes. A democratic system depends for its legitimacy, therefore, not upon equal results but upon a sense of equal opportunity.

Confirming America's Culture

A cohesive society requires a set of shared beliefs that define the behavioral norms of all its members. Our governmental policies must positively reinforce the American culture; they must abandon moral neutrality in public policy and affirm such values as our common language, the role of religion in our lives, and the individual pursuit of excellence.

OUR COMMON language is the most obvious element of America's culture. More profound are our religious heritage, the subservience of the state to the individual, the two-parent family as the foundation of society, and the concept of merit.

That is not to say there are not Americans who, for example, believe in no God at all, speak languages other than English, or choose not to have families. But to be a part of America's culture one accepts that the state will not be neutral regarding every set of ideas, from incest to abortion. Our culture's values, customs, and beliefs must be reinforced by the institutions of our society.

Thus, disparaging the role of religion in our lives or undermining the authority of parents have no place in public policy. What does have a place is requiring that public schools teach in English, allowing an invocation before graduation, and encouraging grades on merits. Marriage is reserved for heterosexual couples, and affirmative action used in its original meaning—that everyone is invited to participate in our society. Freedom of expression is guaranteed for the anti-religious or pornographic artist, but government funding is not.

Moral neutrality in public affairs has propelled us down the slippery slope of cultural decline. The climb back up requires a cultural renaissance in our families, neighborhoods, churches, and schools. But it cannot succeed unless the public sector abandons its indifference to moral choices and affirms the cultural values shared by our citizenry.

Confirming America's culture requires a fundamental shift in public-policy thought:

—Reject the neutrality of governmental institutions and policies regarding moral values. They must reinforce the fundamental values of American culture: diligence and self-discipline, honesty and virtue, compassion and respect for others. Our policies must lead people to choose marriage over single parenthood, encourage adoption and discourage abortion, and promote personal discipline as a higher value to society than libertine lifestyles.

—Reject multiculturalism, the belief that every cultural concept is of equal moral value and must be accepted as a valid lifestyle choice. It is undermining our values and endangering our society.

—Reward the pursuit of excellence. Both brain surgeons and bricklayers must be committed to excellence if our society is to prosper. Academic excellence must be the first priority of the public school classroom, and merit the basis of employer hiring and promotion standards. Race norming of test scores and adjustment of standards to equalize results among racial, ethnic, or age groups undermines effort, merit, and equality of opportunity.

Take the Offense

ONLY IN LIBERTY can nations and individuals prosper. The tyranny of the state over the masses struggling to be free is a sadly recurring twentieth-century theme. But if common men, ennobled by the divine spark of their Creator, are, in Winston Churchill's phrase, to "move forward into broad, sunlit uplands," they must do so one-by-one, striving to advance their individual progress toward that uplifting goal. There are no collective means to individual prosperity.

The collectivist, tribal, morally neutral policies of the Left will no more be successful in solving the nation's problems in the future than they have been in the past. They will fail to achieve the liberal promise; they will make problems worse, not better.

But conservatives cannot succeed in capturing the imagination and support of the American people by simply opposing the policies of the Left. We must offer a vision which speaks to the best in people, not the worst; to the hopes and aspirations of our citizens, not to their greed and their fears. Americans have historically understood that governments are a threat to personal freedom. They instinctively distrust policies which denigrate personal responsibility. They realize that too much of American life has been corrupted by political manipulation. Our challenge is to offer a conservative alternative to the liberal order, and nothing less than these fundamental reforms will do.

Several years ago, I served on the Blue Ribbon Commission advising post-Communist Hungary on its route to prosperity. The Commission's conclusion reflects the essence of the conservative vision:

> Government cannot fulfill people's lives. What a wise governmental system can do is to create the trustworthy, confidence-inspiring institutions that permit individuals to fulfill their own lives. □

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help

Yeltsin's Sarajevo Coup

Christopher was not surprised.
Talbott said he'd been apprised,
As had Perry, also, who
Gathered everybody knew.
Even Spanish fly with lunch
Won't arouse this laid-back bunch.

W. H. VON DREELE

"Pssst. Dump your toxic wastes?"

"Why I haven't seen you since we did community service together."

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The Great Leader

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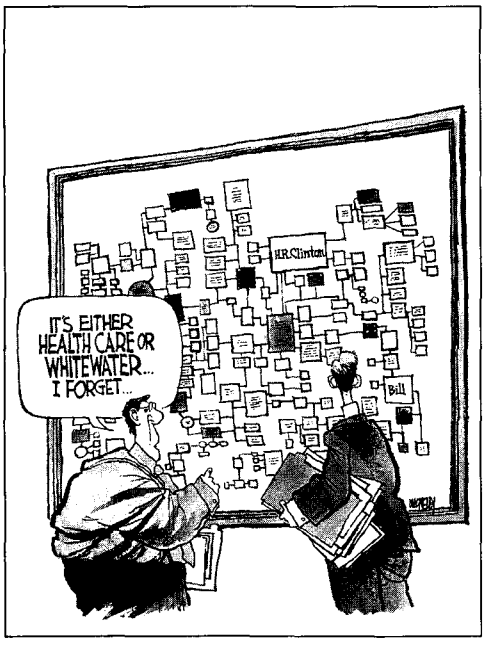

Friends of Bill

WHITEWATER RUNS DEEP

As governor, Bill Clinton had friends with names like 'Diamond Jim' and 'Hot Pants.' Their shady dealings cost the taxpayers millions. What will they cost the President?

RICHARD BROOKHISER

FROM UP CLOSE, the collection of scandals labeled Whitewater seems both complex and trivial, like a swarm of dots on a TV screen. But it is neither. With a few exceptions, all the alleged crimes and improprieties fall into four slots: Whitewater Development Corporation and Madison Guaranty S&L (the "piggybank"); the activities of Hillary Clinton and three of her partners at the Rose Law Firm; sex; or cover-ups of the first three. The four-pronged configuration of events reflects one reality: for 14 years, Bill and Hillary Clinton ran with a crummy crowd, nourished in part by state-capital mores, in part by yuppie corner-cutting. They were the Masters of the Universe, Little Rock division. In 1992, the crowd, and its habits, went national.

Some of the alleged misdeeds of the Clintons and their friends are simply sleazy or embarrassing. Some are criminal. On January 20, Janet Reno appointed Robert Fiske as special prosecutor to investigate the matter. But what we learn over the next year or two will depend less on Fiske than on the efforts of Congress and the press, and the curiosity of the public.

The Piggybank

WHITEWATER first came to public attention in a March 8, 1992, story in the *New York Times*. (It would be about the last time the *Times* was ahead of the curve on the case.) The story reported that the Clintons had taken tax deductions in the mid Eighties on interest payments for loans that had in fact been paid for them by the Whitewater Development Corporation, a real-estate scheme in northern Arkansas which they half-owned. Clinton, who had struggled through the Gennifer Flowers scandal only weeks earlier, asked James Lyons, a friendly lawyer, to look through his Whitewater records, such as they were. On March 28, Lyons reported that the Clintons had lost $68,900 on the venture (see "Cover-ups," below). Reasoning that bad investors can't be tax cheats, the press let the story drop.

By the fall of 1992, the Resolution Trust Corporation, which is charged with cleaning up the S&L mess, was looking at Whitewater's other owners, James and Susan McDougal. James McDougal had known Bill Clinton since the late Sixties. The two couples formed the Whitewater partnership shortly before Clinton was first elected governor in 1978. Four years later, McDougal bought Madison Guaranty, a small thrift. It got bigger. McDougal acquired a blue Bentley, and the nickname "Diamond Jim." Susan's nickname was "Hot Pants," because that's what she wore on commercials promoting Whitewater. In 1989, Madison Guaranty went under, at a cost to taxpayers of $60 million.

An RTC document named the Clintons as potential witnesses to the deeds of McDougal and his "shell corporations." The Bush Justice Department would not give the matter top priority in the homestretch of a presidential campaign, and the Clinton Justice Department let it lie. But in October 1993, the RTC prodded Justice again, and Whitewater once more became a matter of public discussion.

One subject the media have discussed has been favors McDougal allegedly did for the Clintons. Representative Jim Leach (R., Iowa) has called Madison "a private piggybank." Most of the crooked S&Ls of the Eighties benefitted their owners. But Madison Guaranty also extended itself for an array of well-connected Arkansans, including the Clintons. McDougal has claimed that in 1984, Clinton complained that he was hard up. "I asked him how much he needed, and Clinton said about $2,000 a month." Madison Guaranty put Hillary Clinton on a $2,000 a month retainer, paid through the Rose Law Firm where she worked—an arrangement that lasted for 15 months. The White House denies that Clinton sought business for his wife.

A year later, McDougal helped Clinton retire a big bank loan, possibly with the unwitting help of Madison's

Mr. Brookhiser, an NR *senior editor, is a columnist for the* New York Observer.

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Every issue of the *Review* brings you an unusual mix of articles by such regular contributors as William Murchison, Faith Abbott, John Muggeridge, Maria McFadden and Mary Kenny (from London)—plus original pieces from new young writers who have something *fresh* to say about abortion and all the other "life issues" we cover—you will also get excerpts from important new books and articles you may have missed in other publications both here and abroad.

Another feature: we periodically reprint the best of *our* own stuff as well; for instance, we recently re-ran a fine article by the late great Malcolm Muggeridge (for many years our Editor-at-Large) on "Medical Progress and the Soul," which first ran back in 1985, but it's even *more* timely today—the prophetic "St. Mugg" foresaw the rush to provide "spare" human body parts—exactly what's already happening!

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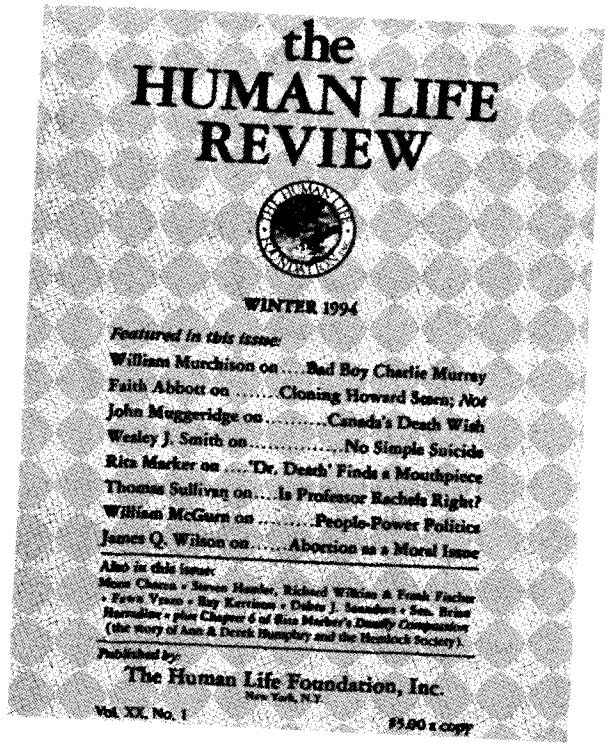
—Wm. F. Buckley, Jr.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depositors. In the last days of the 1984 gubernatorial campaign Clinton, feeling a case of election jitters, borrowed $50,000 from a tiny bank in eastern Arkansas, run by a member of his staff. After Clinton won, he asked McDougal to "knock out the deficit." Madison held a fund-raiser in April 1985 which raised $35,000 for Clinton, but investigators suspect that $12,000 of that money—four certified checks for $3,000 apiece—was fraudulently raised. One of the "contributors" whose name appears on one of the checks denies he ever gave $3,000 to Clinton in 1985, for the excellent reason that he was a Republican college student at the time.

More serious are the favors the Clintons may have done for McDougal. The feds were taking a grim view of Madison Guaranty by 1984; the Federal Home Loan Bank Board called its lending practices "unsafe and unsound." In April 1985—the same month as the fund-raiser—Hillary Clinton earned her retainer by proposing a rescue plan for Madison to the Arkansas Securities Department. (The plan proposed that Madison be allowed to sell preferred stock, and offered, as proof of its health, an optimistic audit by Madison's accounting firm.) As luck would have it, the commissioner of the Securities Department whom Hillary's husband had just appointed was Beverly Bassett (now Beverly Bassett Schaffer), a big-hair woman who had done work for Madison Guaranty in an earlier incarnation as a securities lawyer. It doesn't get any tighter than this. In a letter addressed "Dear Hillary," Bassett okayed the plan.

Madison never got around to issuing any stock, and in the fall of 1985 the feds scheduled an audit for early next year. Enter now David Hale, a municipal judge in Little Rock who ran Capital Management, an investment firm backed by the Small Business Administration for the purpose of aiding disadvantaged entrepreneurs. Hale now claims that in February 1986, in a meeting at the State Capitol, Governor Clinton asked: "Are you going to be able to help Jim and me out?"

"That's just the way business is done in Arkansas," Hale adds.

The White House says that Hale, who is under indictment for fraud, is a liar out to "save his butt." What partly supports Hale, however, is that

HRC: A Film by Oliver Stone

Fade in. Bedroom scene—night.

The phone rings. We hear the noises of a man groggily waking up. His hand reaches for the clock on the bedside table. It is 3:30 A.M. He turns on the bedside light, and we see a photo of President Bush and Congressman Jim Leach shaking hands. The photo is inscribed, "To Jim, Thanks for all you've done, George Bush." The man answers the phone.

Congressman Leach: [*groggy*] Yeah? Who is this?

Man's Voice: Good morning, Mr. Congressman.

Leach: [*angry*] Who is this?

Man's Voice: Are you watching CNN? There's a lesson for us all.

Leach: Who the hell *is* this?

We hear a click. Then a dial tone. The woman next to him stirs.

Woman's Voice: Who was that?

Leach: No one, Elizabeth. Go back to sleep.

*Leach grabs the remote control from the bedside table, and clicks on CNN. We see the familiar CNN logo above the subscript, "*LIVE FROM LITTLE ROCK, ARKANSAS.*" On the screen is a video feed of a burning office building.*

Reporter: We're here at the Worthen Tower in downtown Little Rock, where it seems that the 14th floor has caught fire—any word yet on casualities?

Fire Captain: No word yet. We doubt anyone was in the building at the time.

Reporter: What's on the 14th floor?

Fire Captain: [*looking at notes*] The offices of KMPG Peat Marwick.

Reporter: KMPG Peat Marwick is an accounting firm that did the controversial 1986 audit of Madison Guaranty, the S&L linked to the Whitewater scandal currently dogging President and Mrs. Clinton.

In bedroom.

Leach: Holy smokes—

The phone rings. Leach grabs it.

Leach: Yes?

Man's Voice: Accidents happen, Mr. Congressman. Fires, suicides, murder . . . maybe it's time you went back to being a non-partisan consensus-building moderate Republican with a low ACU rating. What do you say? Oh, and on an unrelated note, if you vote for the Cooper plan we'll kill your dog.

Click. Dial tone.

Cut to: Little Rock, Arkansas, street—daytime.

It is early morning. Walking unsteadily down a shabby street is Ambrose Evans-Pritchard, English journalist. He turns down a side street and stops in front of a seedy bar.

He smiles to himself, and enters.

Evans-Pritchard saunters up to the bar and takes a seat. A hugely fat bartender turns around.

Bartender: Too early, mister. Cain't serve you.

Evans-Pritchard: Actually, my man, I just came to meet a friend.

Pause.

Evans-Pritchard: Too early, you say?

Bartender: Too early. We got laws here in Arkansas.

Evans-Pritchard: Coffee, then.

The bartender nods and places an empty mug on the bar. Before he can fill it with coffee, Evans-Pritchard places a twenty-dollar bill on the bar.

Evans-Pritchard: Though I won't be upset to find, say, a splash of that good Kentucky whisky in my mug. In fact, I'd be grateful.

The bartender smiles a toothless smile, and fills up the mug with Maker's Mark.

Bartender: Came to meet a friend, say?

Evans-Pritchard: Yes I did. He's called Jerry Parks. Did security work for your governor for years. And worked on his campaign for President. Do you know him?

Bartender: Knew him.

Evans-Pritchard: Knew?

Bartender: He's daid, mister. Shot like a dog on the streets of Little Rock.

Evans-Pritchard: [*choking on his whisky*] Dear God!

Bartender: Word to the wise, brother. Get out of Little Rock.

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Capital Management in fact loaned $300,000 to that disadvantaged entrepreneur, Susan McDougal, and almost half of that money ended up in Whitewater's account, where it was used to buy 810 acres from International Paper.

These activities have to be set in the context of the Clintons' political and personal situation. In 1992 Bill Clinton looked like an unstoppable figure, a political Terminator. But he had been stopped once, in 1980, when he lost his first re-election bid for governor. He never took a race for granted after that. The Clintons' personal finances did not become comfortable until Hillary began landing on corporate boards in the late Eighties. A friend with Jim McDougal's cash flow was a friend indeed. McDougal went to bat for the Clintons, at times—allegedly—out of order. Did they do the same for him?

The Four Lawyers

IN A 1992 debate before the Illinois primary, Jerry Brown said Clinton's "wife's law firm is representing clients before state . . . agencies, his appointees." Clinton replied that the Rose Law Firm was "the oldest law firm in America, west of the Mississippi," and that Brown ought to be "ashamed" of himself "for jumping on my wife." The Rose Law Firm is old, yet, as we have seen, Brown's statement was true. What else had Mrs. Clinton and the partners who crossed the Mississippi with her to Washington—William Kennedy III, Webster Hubbell, and Vincent Foster—been up to?

One old case throws an ironic light on present policy debates. In 1989 Beverly Enterprises, a national nursing-home business, decided to sell 45 nursing homes in Iowa. Beverly Enterprises is indirectly controlled by the Stephens family, Little Rock banking kingpins; William Kennedy III of the Rose Law Firm (now associate counsel in the White House) handled the deal. On one day in August 1989 the nursing homes—which an Iowa judge has since ruled were worth about $47 million at the time—were sold to a Texas businessman, who re-sold them to a charitable company he controlled, backed by Iowa state tax-exempt bonds. Final sale price: $63.5 million. Not bad for a day's work. Rose Law

Evans-Pritchard hurries to the door. Stops. Turns around, goes back to the bar and downs the rest of his whisky. Then he exits quickly.

BARTENDER: Have a nice day!

Cut to: Monocle Restaurant.

The Monocle, a busy Capitol Hill–area restaurant, is packed with lawmakers, lobbyists, staffers, and journalists. It's lunch hour. Congressman Jim Leach is seated at the bar, drinking a Perrier. On the TV above the bar, there is a White House news conference going on.

George Stephanopoulos is being grilled by reporters.

REPORTER 1: . . . and what about reports of file shredding at the Rose Law Firm?

STEPHANOPOULOS: Distorted.

REPORTER 2: Is there any connection of the loan to the Clintons from International Paper and the subsequent granting by Governor Clinton of timber rights to International Paper?

STEPHANOPOULOS: I'm not going to dignify that with a response.

REPORTER 3: Why has the Justice Department so far refused to comply with Freedom of Information Act requests for the investigative files of Vincent Foster's death?

STEPHANOPOULOS: You'd have to ask them.

REPORTER 4: Where are the records of the 1984 Clinton gubernatorial campaign fund-raiser? They're missing from the Pulaski County Registrar's office, from the Arkansas Secretary of State's office, and backup microfiche files have reportedly been destroyed.

STEPHANOPOULOS: Who knows? It's 1994. That was ten years ago. Anything on health care? Anything? Anything?

The Monocle.

EVANS-PRITCHARD: Hullo, Congressman. Thanks for agreeing to meet me. [*extends hand*] Evans-Pritchard.

Leach eyes him suspiciously. Then extends his hand.

LEACH: Call me Jim, Evan.

EVANS-PRITCHARD: No, no. My name is Ambrose Evans-Pritchard. My Christian name is Ambrose. My surname is Evans-Pritchard. It's a hyphenated name. Double-barreled as it were. Quite common in England, though a bit non-U, I'm afraid.

LEACH: What do you want, Ambrose? Im busy.

EVANS-PRITCHARD: Right. Sorry. I'm a journalist, you see—

LEACH: If you want an interview, go through my office.

EVANS-PRITCHARD: No, no. It's nothing like that. I just—listen, do you think we could talk somewhere more private? Will you meet me in the men's room in one minute?

LEACH: The last time an English guy asked me that I popped him in the mouth.

Leach gets up to go.

EVANS-PRITCHARD: Just trying to save your life, here, Congressman!

Leach stops. Turns around.

EVANS-PRITCHARD: So far, two people have died. There's been a fire. Documents have gone missing. Now, I'm a journalist. I write for the *Sunday Telegraph*. I'm in this to get rich and famous. You're the ranking minority leader on the House Banking Committee. You're in a lot of trouble. And if I'm not mistaken, somebody has already threatened you. So you can walk away and take your chances, or you can hear what I have to say.

Pause.

EVANS-PRITCHARD: It just might keep you from parking your car in Fort Marcy Park and making a big mess on the upholstery.

Leach regards him carefully.

LEACH: Can I buy you a drink?

EVANS-PRITCHARD: Oh, well, I drink so rarely. And it's still quite early. Oh, what the hell. I'll have a gin and water. Hold the water.

Cut to: A fluorescent lightbox lights up. A hand clips on a few X-rays of a human skull. A metal pointer taps on the X-rays.

MAN'S VOICE: Here you see the entry wound. The bullet entered Mr. Foster's skull approximately here. Cause of death was instantaneous.

EVANS-PRITCHARD: Any exit wound?

MAN'S VOICE: There wasn't one.

Cut to: Medical Examiner's office.

Leach, Evans-Pritchard, and the

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could have collected as much as half a million dollars for shuffling the papers, to be divided in bonuses among its partners, including Hillary Rodham Health Care. Meanwhile, the nursing homes, in order to pay off their debt, were forced to raise fees.

The nursing-home deal, all perfectly legal, offered a foretaste of the Clinton health plan: everyone was screwed, except the large medical corporations and the lawyers. But some Little Rock legal practitioners skated on slimmer ice.

Also in 1989, the Federal Deposit Insurance Corporation decided to sue the accounting firm that had presented a clean bill of health for Madison Guaranty to the Arkansas Securities Department in 1985. Vince Foster, another partner at Rose Law and later deputy White House counsel, wrote the FDIC offering Rose's services as outside counsel, declaring, in a careful present tense, that "the firm does not represent any savings-and-loan association in state or federal regulatory matters." Foster's statement was true, but so narrowly as to be false. The Rose Law Firm did not represent any S&Ls in 1989, but it had represented Madison Guaranty four years earlier—and in the matter under investigation. One seventeenth-century Jesuit, acting undercover in a Protestant country, when interrogated by the authorities denied that he was a priest, adding silently to himself, ". . . of Apollo." What was good enough for the Jesuits was good enough for the FDIC. Webb Hubbell, a Rose partner who is now associate attorney general—and hence number three man at the Justice Department—handled the FDIC's case, settling the accountants' liability for the $60 million debacle at $1 million.

Two years earlier, two Rose Law Firm partners had handled a similar case for the Federal Savings and Loan Insurance Corporation, in similar style. The feds were pursuing a bond trader who they claimed had defrauded a defunct Illinois S&L, First American of Oak Brook. The Rose Law Firm offered itself successfully as outside counsel, and assigned Vince Foster and Hillary Clinton to the case. No one seems to have mentioned their connection to the bond trader: Dan Lasater, a restaurateur and cocaine smuggler who was a friend of the Clinton family. Lasater met the Clintons because his box at the Hot Springs race track was next to that of Virginia Kelley, Bill Clinton's mother. Lasater

*Medical Examiner are conferring. The X-rays are clipped to the lightbox. The X-rays are clearly marked: "*FOSTER, VINCENT.*"*

LEACH: No exit wound?

The Medical Examiner looks at his notes and shakes his head.

LEACH: Well, then the round must have lodged in his skull, right?

MEDICAL EXAMINER: We didn't find the bullet, Congressman.

EVANS-PRITCHARD: What?

MEDICAL EXAMINER: I don't really know how to explain it. We have an entry wound. But no exit wound. And we never found the bullet.

LEACH: But if you—

MEDICAL EXAMINER: Sir, if you want to know anything more, you're going to have to speak with the doctor who performed the autopsy.

LEACH: And who was that?

MEDICAL EXAMINER: Dr. Bernard Nussbaum.

LEACH: Bernie Nussbaum?

EVANS-PRITCHARD: He's not a coroner! He's the President's lawyer!

MEDICAL EXAMINER: I know, I know. But he said this was standard procedure. It was . . . official.

EVANS-PRITCHARD: Jim, I think I need a drink.

Cut to: Rayburn House Office Building—night.

The streets of Capitol Hill are deserted. The Capitol Dome glows white in the blackness. One office window is still bright. Room 2186.

*Cut to: Leach's Office, Rayburn 2186. The place is filled with papers, charts, and a few easels with large diagrams. The walls are covered with sheets of paper, all showing boxes, lines, and flow charts. On one sheet is written in big letters, "*WHITEWATER,*" on another "*MADISON GUARANTY,*" on another "*INTERNATIONAL PAPER.*"*

Pizza boxes litter the place. A half-empty gin bottle sits on a desk, the top off.

LEACH: Back up. Explain this to me again.

EVANS-PRITCHARD: Vince Foster discovers that the Clintons didn't take the proper deduction for their Whitewater losses.

LEACH: Right. So he does some checking.

EVANS-PRITCHARD: On his own. And discovers a complicated system of financing, with Jim McDougal always at the center. The Clintons made the investment with the help of a loan.

LEACH: From International Paper. They later got a sweetheart timber deal from Governor Clinton—

EVANS-PRITCHARD: Who also got the state to build a road through the development that directly enhanced his investment—

LEACH: Meanwhile, campaign debts mysteriously disappear, and Morgan Guaranty, McDougal's S&L, has money trouble, and petitions, via its counsel, Hillary Clinton, to be allowed to recapitalize via an unusual stock offering—

EVANS-PRITCHARD: Which is approved by a state bank regulator appointed by Governor Clinton—

LEACH: And when Madison does go under, the RTC is petitioned by Rose Law Firm, of which Hillary Clinton is a partner, to be named executor—

EVANS-PRITCHARD: The petitioner's neglecting to mention that it was they who bankrupted Madison in the first place.

LEACH: So poor Vince Foster, discovering this list of possible impeachable offenses, decides to make an honorable exit, rather than face the dilemma of lying and ruining his spotless reputation, or telling the truth and ruining the Presidency of his oldest and dearest friend.

EVANS-PRITCHARD: Friends. Plural.

A knock. A young man, Geoffrey, enters timidly.

GEOFFREY: I brought the tape, Mr. Congressman. It was done in Little Rock yesterday, and reached our offices this morning.

Leach jumps up and ushers him in.

LEACH: Great! Thanks, Geoffrey.

He takes a small package from the young man's hand, and pops it open. A videocassette spills out.

GEOFFREY: Boy, if the special prosecutor knew I had leaked the McDougal deposition tape, boy I'd be in deep trouble.

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ended up paying $200,000, in return for dismissal of the $3.3 million suit.

Vince Foster is gone, of course, but the other three lawyers are still on call. With so much legal advice available, you would think Bill Clinton—himself a lawyer—would have handled his troubles more adroitly. But maybe he is doing exactly what they tell him.

Sex

NIGHTGOWNS! Saxophones! Garden hoses! Tennis balls! Hot stuff! But don't waste any time on it unless it speaks to you personally, because it won't have any repercussions. As Richard Nixon might have said, we are all fornicators now. All you'll read about here is alleged behavior that reflects on the Arkansas-Yuppie political style.

The latest Clinton *sexposé* was a charge made last month by Paula Jones, a 27-year-old former secretary, that Governor Clinton, in 1991, had propositioned her. Since Mrs. Jones was a state employee at the time, she would have grounds to sue for sexual harassment, which she threatened to do if an apology were not forthcoming. No apology has come forth, neither has any suit. Mrs. Jones's story, if true, confirms reports by the Arkansas state troopers and others that Governor Clinton conducted a predatory sex life not unlike the Duke of Mantua in *Rigoletto*.

The political hook to David Brock's report, last December, on the Arkansas state troopers was that Governor Clinton had used state employees as a de facto escort service. The troopers' story was dismissed when the Clinton damage-control team accused them of assorted blemishes and grudges. But part of their tale was confirmed a month later when Sally Miller Perdue, a former Miss Arkansas, told Ambrose Evans-Pritchard of the London *Sunday Telegraph* that she had had an affair with Clinton in 1983, and that state troopers had ferried him to her condo a dozen times. She said she was talking to a London paper because she had "had it with the American press. . . . [T]hey've protected Bill Clinton in a way they've never protected anybody in the history of America."

Miss Perdue's most striking complaint was not about the press, however, but about politics (hardball politics). In August 1992, she had met in a restuarant in Missouri, where she then lived, with one Ron Tucker. He told her that "people in high places"

EVANS-PRITCHARD: Or, ahh, Deep Throat, eh?

GEOFFREY: What?

EVANS-PRITCHARD: Deep Throat?

GEOFFREY: Who?

EVANS-PRITCHARD: Never mind.

Leach puts the tape in the VCR and cues it up. Geoffrey is still there, though the two others are lost in thought and don't notice him.

LEACH: The problem is that we still don't know who's behind all of this.

EVANS-PRITCHARD: Who has the motive, the opportunity, and the ability to orchestrate this kind of thing?

GEOFFREY: Mr. Fiske says it's all a bunch of hooey. He says he'd rather be back at Davis, Polk collecting his partnership checks.

Leach suddenly whirls around.

LEACH: What did you just say, kid?

GEOFFREY: About Fiske's checks?

LEACH: About Davis, Polk.

GEOFFREY: Mr. Fiske's firm?

LEACH: And also the firm of—

EVANS-PRITCHARD: [*reading file*] International Paper!

LEACH: [*to Geoffrey*] Kid, you're a genius!

The VCR pops on, and we see Jim McDougal in tight close-up, answering questions. He is clearly drained and tired. The background is drab and institutional. The sound is tinny and hard to decipher.

A hand reaches into frame, and hands McDougal a cup of coffee. He takes it and mouths a "thank you" and shifts in his chair, which rustles the mike, and distorts the sound even more.

EVANS-PRITCHARD: Stop the tape.

LEACH: What?

EVANS-PRITCHARD: Stop the tape. Go back. Where someone hands him the coffee.

Leach rewinds the tape. We see the same image backwards. He stops the tape, then plays it forward again.

EVANS-PRITCHARD: Slowly. Slowly. There. Stop. Someone hands him a coffee. He says "thank you" and then he says a name. Thank you someone.

LEACH: We can't hear the name because he messes up the mike.

EVANS-PRITCHARD: Go back.

Leach rewinds the tape, then plays it again, slowing down when the coffee appears.

LEACH: Thank you—

We see McDougal's lips. We see the name he says.

EVANS-PRITCHARD: Thank you.

GEOFFREY: Hillary? It looks like he's saying, "Thank you, Hillary."

Leach and Evans-Pritchard exchange a glance.

LEACH: I think I need a drink.

EVANS-PRITCHARD: I think I could be persuaded to join you.

Dissolve to hustle and bustle of D.C.—morning. Cut to Leach's office.

Leach and Evans-Pritchard are asleep, Leach at his desk, Evans-Pritchard on the sofa. Geoffrey is watching the office television set. It is tuned to the Today *show.*

GEOFFREY: Guys? Congressman? I think you should wake up.

They stir.

GEOFFREY: I mean it! Wake up! You should see this!

Leach and Evans-Pritchard struggle awake.

EVANS-PRITCHARD: What, my boy?

GEOFFREY: This.

He points to the TV and turns up the sound.

*A body bag being wheeled out of a local jail. At the bottom of the screen is the NBC logo and the words, "*LIVE FROM LITTLE ROCK, ARKANSAS.*"*

ANNOUNCER: —all the more curious. Luckily, though, Special Prosecutor Fiske had the opportunity to depose Mr. McDougal before his untimely massive heart attack.

EVANS-PRITCHARD: Another reason why I never drink coffee.

LEACH: My God!

The silence is broken by a ringing phone. Leach stares at it fearfully.

GEOFFREY: Aren't you going to answer that?

LEACH: Why bother? I know who it is.

He and Evans-Pritchard exchange looks. Fade out. —ROB LONG

Mr. Long is a television writer and producer living in Santa Monica.

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wanted her to keep quiet, and that if she didn't, "he couldn't guarantee what might happen to [her] pretty little legs." A colleague of Miss Perdue eavesdropped on the conversation and then reported it to the FBI. Tucker, a retired mining equipment salesman, denies everything, but his former employer remembers Tucker saying in September 1992 that "somebody from the Democratic Party in St. Louis" had asked him to shut Miss Perdue up. Nothing happened to her pretty little legs. But she says she found a shotgun cartridge on the seat of her Jeep one day. She shut up.

"A true leader would never ask any of his people to take a little old lady's life savings if he weren't willing to do it himself."

Cover-ups

THE PATTERN of cover-ups began with the first scandal, with the Lyons Report. The great flaw of the Lyons Report was, that if the Clintons had lost $68,900 on Whitewater as Lyons claimed—the loss that, in the media's minds, made moot their fraud—why hadn't they claimed it on their tax returns? On the other hand, they were probably wise not to have done so, since several of the checks they paid to Whitewater, which were counted among their "losses," turn out to have been repayments of loans *from* Whitewater.

Straightening out Whitewater's finances has been hard, since so many of the records have vanished. Susan McDougal said she gave the corporation's files to the Clintons in 1987; the Clintons can't seem to find them. No one can find the records of the 1984 Clinton gubernatorial campaign, which would include information on Madison Guaranty's 1985 fund-raiser. A gnome in the office of the Arkansas secretary of state told *The New Yorker* that the microfilms of the records had been stored in a former boiler room. "Bingo! It was all ruined. You'd open the drawers and stench from the acid would knock you down."

Most suspicious has been the Administration's handling of the files of deputy White House counsel Vince Foster. Foster had been a friend of the Clintons and a partner of Hillary for years; he had sold the Clintons' shares in Whitewater in 1992. After Foster's body was found on the afternoon of July 20, 1993, we know that three White House staffers, including counsel Bernard Nussbaum, entered Foster's office that night. Since the room wasn't sealed until the next day, we don't know who else may have entered it before investigators arrived, on the 22nd. According to an unreleased police report, Nussbaum interfered with interviews of White House staff by directing other White House lawyers to sit in. He himself inspected Foster's briefcase, finding nothing. Four days later, an associate White House counsel taking a second look found the torn-up scraps of a depressed note in the same briefcase. Nussbaum also sifted through the papers in Foster's office, deciding what the investigators could and could not see; he gave Foster's Whitewater files to David Kendall, the Clintons' personal lawyer, citing lawyer-client privilege. A specious excuse: if Foster was their personal lawyer, why was he on the White House staff? If he was on the White House staff, why was he doing personal legal work for them? Five months later—on December 23—Clinton finally agreed to give the Whitewater files to the Justice Department, though even then he stalled, claiming that the files needed "cataloguing." The files were finally surrendered under a subpoena, meaning they are not subject to the Freedom of Information Act.

In Washington, Clinton supporters rely on obfuscations and stonewalling. Back home, somebody may be going as far as thuggery. Sally Miller Perdue claims she was threatened in Missouri. In Little Rock, in June 1992, three goons visited the apartment of Gary Johnson, a lawyer, beat him up, and, he alleges, stole a videotape of Clinton visiting the apartment of Johnson's neighbor, Gennifer Flowers. Johnson suffered serious head injuries, and a perforated bladder, and had to have his spleen removed. These injuries were presumably not voluntary; whether they were inflicted by "over-zealous" Clinton supporters, or by enraged bookmakers, is beyond my power to guess.

Was Vince Foster visited by goons with a gun? That seems too sensational to be true. The most lurid scenario for his suicide would have him shooting himself in some inconvenient location, whence his body was taken to Fort Marcy Park. But until we have a police report—a report by real police, not the beer-and-dog-doo police who mind federal parks in the Beltway—all speculation is conservative grassy-knollism. Robert Fiske, the special prosecutor, announced on February 23 the names of the lawyers who would investigate Foster's death. My own eccentric theory of his death is that it had nothing to do with Whitewater, or politics of any kind. People who kill themselves usually suffer from woes far deeper than the proximate upheavals in their lives.

Looking Ahead

ROBERT FISKE has rented office space in Little Rock for three years. If Lawrence Walsh's performance as an independent prosecutor is any guide, he could be at work for much longer. Fiske's résumé suggests a comfortable legal establishmentarian, but, like Walsh, he now has a personal interest in finding something.

We may learn more sooner from Congress. Jim Leach, the ranking minority member of the House Banking Committee, has the voice and manner of someone who hosts a children's show on public television. But on Whitewater, he has the bit between his teeth. The law requires Congress to review the activities of the RTC every six months; the latest hearing is three months late. The House parlia-

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mentarian has advised Congressman Leach that the minority may call any witnesses it likes, though the chairman—Henry Gonzalez of Texas—could restrict questioning. "The minority," says Leach, "will attempt to demonstrate that Madison attempted direct and indirect payments of the obligations of Whitewater and its principals."

Leach was the first congressmen to note the burgeoning S&L mess, and Whitewater strikes him "as *déjà vu* all over again. There are a lot of analogies between Madison and Lincoln," the S&L of Charles Keating. "Lincoln was a personal piggybank," which Keating tried to keep afloat "by compromising important figures in Congress [the Keating Five]. Madison is a digit and a half smaller than Lincoln, but money was sifted out, and an attempt was made to compromise the governor through campaign contributions, but also by a persistent conflict of interest"—the Whitewater partnership. "I was naïve to believe at the beginning," Leach concludes, "that it was just modest embarrassment that might be borne by the Clintons. Each passing week, darker imagery appears."

Will the darker imagery have political consequences? The White House seems to think so: the *New York Times*, putting the story back on page one for the first time in almost two years, reports that senior Clinton aides, including Nussbaum, were briefed by the head of the RTC on the statute of limitations concerning offenses related to Madison Guaranty. If the story simply limps along, in Congress and in a reawakened press, it must erode the cushion of support that any President needs when a peacekeeping mission bogs down, or the economy goes flat.

The great unknown is the attitude of the public. Here is a guide for focusing its thoughts. In 1992, we thought we elected the New Politics. Maybe we did, but we also elected some very old politics. We sent a gang of corsairs to Washington—sharpers and shysters and razorback banditti. In Arkansas, they lied and stole, and some of them did worse. In the White House, they lie about what they did then. When they were running for office, nobody told us what they were like; but now that they're in power, can we learn? □

No Joke

FROM ANARCHY TO ZHIRINOVSKY?

The West can scoff now—but the leader of Russia's opposition may laugh last.

RICHARD W. JUDY

THE Russo-American "honeymoon" is over even if official Washington doesn't know it yet. Harbingers abound: Russian missile sales to India; Russian troops interfere in Georgia and Kirgizia; Russian spy caught with his hand in the CIA cookie jar; Bosnian Serbs' chestnuts pulled from NATO fire by Russian ultimatum. Curiously, all of these signs of discord are met by official denial in Washington. None of them, we are told by the White House, signals any cooling in the cozy post–Cold War romance between Russia and the United States. And, like a mindless society editor, the media continue to report how ecstatic the couple is.

The increasing strains on the Moscow–Washington relationship are aggravated by the erosion of Boris Yeltsin's political supremacy. This seems to be accelerating. First the elections produced a Duma in which the reformers, expected to win easily, were more or less level-pegging with a red-black coalition of *nomenklatura* bureaucrats and managers and authoritarian nationalists. Secondly, in forming a new government, the president had to throw overboard reformers such as Yegor Gaidar and to accept the appointment of ministers dedicated to "stagnation therapy." Most recently, the Duma passed an amnesty for Yeltsin's bitterest enemies, the coup plotters of 1991 and last October, by a four-to-one vote that suggested his parliamentarian support had fallen even further since the election. Given that the economy continues to decline, the outlook for charismatic demagogues like Vladimir Zhirinovsky must be considered promising. That is why the most dangerous bit of *dizinformatsia* coming our way is that Zhirinovsky is a clown, a buffoon, and a nut who needn't be taken seriously. Wrong! In fact, he was the only politician running in last December's election campaign who showed any understanding of the typical Russian voter's mindset. He's a master of the television medium, and he's the front-runner in the 1996 presidential campaign—already well under way.

Former KGB General Oleg Kalugin, the counterintelligence chief turned critic of Soviet spookery and a shrewd observer of the Russian scene, told me last December that ". . . both you Americans and we Russians had better prepare ourselves to deal with Zhirinovsky as President of Russia." What would that mean?

First, it would mean dealing with a racist. No other word in the English language adequately describes Zhirinovsky's attitude toward blacks and, most particularly, toward the Turko-Mongol and other non-whites of Central Asia, the Caucasus, and beyond Russia's southern borders. Even by Russian standards, deplorable as they are in these matters, he is a racist when it comes to such people. Zhirinovsky first displayed his racism to me during a conversation we had in August 1990. The venue was the cavernous restaurant of Moscow's Ukraine Hotel. Elbows on the table,

Mr. Judy, a senior fellow and director of the Center for Central European and Eurasian Studies at the Hudson Institute, is well acquainted personally with Vladimir Zhirinovsky, and visited with him most recently in January.

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hunched over our plates, we were deep into a discussion about how privatization should eventually proceed in Russia. Suddenly, he sat upright in his chair, face flushed with fury, and flung his arm in an angry arc around the room. Pointing to swarthy fellow diners, he said: "Look at all the 'black asses' in here"—using the offensive Russian derogatory term for persons of color—"they're all fattening themselves off what they've cheated out of us. If we let them, they'll buy up everything of value in Russia. That's why we can't simply sell our state-owned properties for cash."

As I have come to know him better over the years, I have concluded that Zhirinovsky's racial prejudices are deeply rooted. Emotionally, he still writhes from the hurts and humiliations he felt as a child growing up in Alma-Ata, the capital of Kazakhstan and the city of his birth. At that time, during Khrushchev's reign, a policy akin to "affirmative action" was in effect in Central Asia. It was a policy that gave certain advantages to indigenous peoples in matters of housing, education, and employment. To this day, Zhirinovsky rages at the reverse discrimination that he felt was visited upon him and other Russians by the native Kazakhs.

On top of this boyhood resentment, Zhirinovsky's studies at Moscow University's Institute of Asia and Africa piled intellectual contempt for all Turko-Mongol peoples. He came to see them as primitive descendants of the Mongols who subjugated Russia until, four hundred years ago, Russian armies under Csar Ivan the Terrible managed to "lift the Mongol Yoke." Since then, as Zhirinovsky sees it, these people have been nothing more than nomadic tribesmen. "It was Russians in the nineteenth century who finally brought civilization to Central Asia," he lectured me recently. "It was Russians who brought modern agriculture and built cities; Alma-Ata was founded as a Russian fortress named Vernyi. If it hadn't been for Russians, the Kazakhs and their ilk would still be living in yurts and raising goats. Let them go back to that!" He also came to see resurgent Islam as a dagger aimed straight at Russia and indeed the rest of Europe.

The Clinton Administration and the American media paint Zhirinovsky as a geopolitical joker. He, on the other hand, considers himself a profound student of history and a geopolitical genius. Reality lies somewhere in between: he is a very intelligent, creative, highly unorthodox politician with a wacky, outdated, but internally consistent *Weltanschauung*. From atop that, he views both a Greater Russia and a world parceled neatly among the "great powers."

Creating a Greater Russia, according to Zhirinovsky's design, begins with restoring the Russian Empire. In his view, Russia's legitimate claims embrace all territories that were ever a part of Csarist Russia or the USSR. That includes not only the Soviet Union within its postwar borders, but also Finland, Poland, and even Alaska! But these claims carry very different priorities for Zhirinovsky. He knows that Alaska will never again be Russian and his rhetorical staking of that claim is done for its shock value and resultant appeal to Russia's ultranationalists. Neither has he real illusions about regaining Finland or Poland. He told me recently that his claims to them, as also to the three Baltic states, make good politics today, but tomorrow they will become chips in a grand poker game with the West wherein he will bid for territories far more vital to Russia.

"I'd say crime is the number-one issue."

The collapse of the Soviet Union and the creation of the Commonwealth of Independent States (CIS) was, to Zhirinovsky, a criminal and completely avoidable tragedy. Gorbachev and Yeltsin get the blame for betraying Mother Russia. Pulling all of the newly independent states back is a top priority, and Zhirinovsky believes it can be done "mostly peacefully" since none of them is politically or economically viable. "They will all come crawling back begging for Russian oil and raw materials, maybe helped a little by military and economic pressure," he assured me recently, "but we won't take them back in the same form that they left." Mother Russia's prodigal children must return to a unitary state and become purely administrative regions within it. They must be shorn of all trappings of sovereignty and phony ethnicity.

"When Kazakhstan returns to Russia," he says, "it will re-enter not as the 'Kazakh Republic' but as several *gubernii* situated in southern Siberia." The very idea of a Kazakhstan, a Kirgizia, a Bashkiria, a Tartarstan or other ethnically designated territory sends him into paroxysms. "The worst of the Bolshevik's many crimes against Russia," he once raged to me as we walked in Sokolniki Park near his apartment, "was its imbecilic nationalities policy. Russia must return to the principle of territorial administration created by Peter the Great and which lasted until that idiot Lenin destroyed it."

But Zhirinovsky's ideas for Greater Russia don't stop at the old imperial borders. Russia's true historic role and destiny are to "protect Christianity from the Muslim threat." In his view, the Muslim lands south of Russia all the way to the Indian Ocean constitute a region of great instability. Resurgent Islam threatens Russia directly and all of Europe indirectly. Zhirinovsky has repeatedly told me that the vast region from "Karachi to Constantinople" must become Russia's to have, hold, and dispose of as it alone sees fit.

A quick look at the map indicates that this area explicitly includes not only formerly Soviet Central Asia and the Caucasus, but also Afghanistan, Iran, Turkey east of the Bosporus, and Pakistan west of the Indus River. Zhirinovsky's coveted "free hand" in this region means the license not only to dominate but actually to incorporate it into Greater Russia. The area is vital, he says, for its resources, its warm water ports, its agreeable places for Russians to relax, and because only this will give Russia a secure, maritime border on the south.

He knows that subduing the region "from Karachi to Constantinopole"

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will require military action. But that will give the Russian Army a purpose which it now so conspicuously lacks. The end of the Cold War and the Soviet Empire left the Army without what is most essential to it—an enemy and a reason for existence. Without those essentials, any army grows flaccid and weak. It can even become a danger to its own civilian society. Therefore, thinks Zhirinovsky, the task of subduing Moslem Asia and Asia Minor and maintaining Russia's dominance there will be a constructive employment for Russia's presently drifting and demoralized armed forces.

In our discussions, I made the obvious point that such a Russian imperial land grab is sure to mean war not only with Turkey, Iran, and Pakistan, but also with the United States and its allies. Turkey is a NATO member, after all, and Pakistan remains a military ally of the United States. Such a war would mean the destruction of Russia. All of this he invariably dismisses with an impatient waving of hands and a torrent of words. Everyone eventually will come around to his view, he says. To understand why he is so sure of this, one must understand how he sees the world and Russia's place in it.

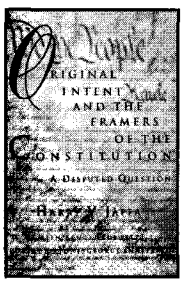
The New Great Game

ZHIRINOVSKY sees the world as one of *great powers* destined to exercise hegemony over specific *spheres of influence*. It is a globe drawn and quartered by several "Monroe doctrines" that protect each hegemon from interference by its peers within its specified "sphere." The world's great powers and their domains, as Zhirinovsky recognizes them, are as follows:

Germany, whose domain includes the rest of Western and Central Europe. Germany is the one European nation that Zhirinovsky takes seriously and the one with which Russia must seek a condominium to partition the rest of the continent peacefully. In his view, the European Union is either an instrument of German hegemony or nothing at all. Hungary and the Czech Republic have chosen to be in Germany's sphere of influence, so let it be that way. Western Europe's broader sphere of influence includes Western and Southern Africa.

The United States, whose sphere of influence is the Western Hemi-

Jaffa vs. Bork



Professor Jaffa takes Bork, Meese, and Rehnquist to task for their failure to understand the "original intent" of the Framers of the Constitution. Jaffa contends that their misunderstanding has cleared the way for personal interpretations of the Constitution and judicial anarchy in courts across the country—including the Supreme Court.

Original Intent and the Framers of the Constitution, Jaffa's just-published book, supports natural law and argues that judges should be confined to interpreting law, not making it.

Original Intent is a blast to both sides of the legal debate by one of the country's most respected Constitutional scholars. To order a copy, simply call **1-800-955-5493** or send a check or money order to:

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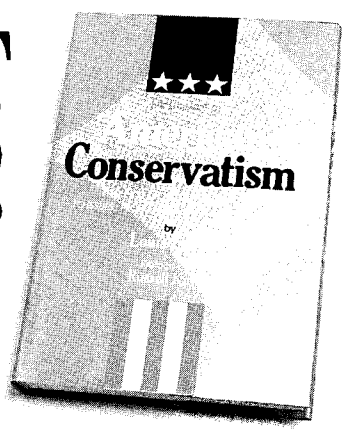

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sphere. Since the U.S. has its hands full in that area, it should withdraw from Europe (including NATO), Asia, the Mideast, and elsewhere where it attempts to play a global role.

Japan and China, whose domain is Oceania and the rest of Asia, except the parts controlled by Russia and India.

Russia, whose sphere of influence includes not only Greater Russia as defined above but the remainder of the Middle East not already included within Russia proper, plus East Africa and its Horn. Tomorrow's India, which is regarded by Zhirinovsky as a friendly nation, will become a Russian protectorate encouraged to assert control of that portion of dismembered Pakistan east of the Indus River. Iraq, also a friend of Russia, will exercise suzerainty over the Arabian peninsula (except for Israel, which quixotically will be permitted to exist).

Zhirinovsky believes that his concept of a globe divided among the great powers can be sold to all the other great powers. In particular, he believes that they will come to accept Russian hegemony over the Muslim Middle East and even incorporation of much of it into Greater Russia.

He sees this world resting upon three foundations. First, the West will welcome Russia's return to its role as Europe's bulwark against the "Muslim threat." Germany and the rest of Western Europe see themselves increasingly besieged by unwanted immigration and other threats emanating from the Near East. Western worry about "Islamic fundamentalism" grows constantly. As perception of this reality grows, Germany and its neighbors will perceive it in their interests to let Russia play its "historic role." Under Russian hegemony, the Muslims would be pacified and those threats eliminated.

Second, there would be a quid pro quo. In exchange for a "free hand from Karachi to Constantinople," Zhirinovsky would be prepared to give up Russia's historically justified claims in Europe to Finland, Poland, and the Baltics. Russia would also guarantee (or co-guarantee) the security of the State of Israel. In the East, Russia would abandon her claim for the return of Alaska and finally cede ownership of the Kuril Islands to Japan.

Third, however, Zhirovsky carries a big stick. If the European, Asian, and American great powers refuse to acquiesce in Russia's "Last Thrust to the South," he will be prepared "to make life very unpleasant." He has never said explicitly just what those "unpleasant" measures might be, but his public remarks clearly imply that he means nuclear blackmail, abrogation of arms-control agreements, and other militarily hostile measures.

Western Approaches

HOW SHOULD we respond to the Zhirinovsky phenomenon? The U.S. and its allies must develop a realistic and consistent policy with respect to Russia and her relations with the newly independent states of the former USSR. That means, among other things, hammering out an acceptable definition of Russia's legitimate national interests in the "near abroad" and determining what latitude Russia should have to pursue those interests unilaterally. We must decide what differentiation, if any, should exist between Western commitment to the independence of the Central Asian and Caucasian republics, on the one hand, and to that of states farther to the West—Ukraine and the Baltic states—on the other.

Only when the U.S. Government has ended its own fuzzy thinking will it, together with our European friends including the Russians, be capable of articulating a set of ground rules to enforce the rights of national minorities (e.g., Russians residing in the "near abroad"), and to govern what a mother country (e.g., Russia) may do unilaterally to protect members of its diaspora. All the mixed signals recently sent from Washington to Moscow about American policy positions are a source of uncertainty and confusion to Russians and others. They constitute an open invitation to test American policy positions simply to learn where they are.

In particular, the present Administration's proto-policy of pre-emptive capitulation before the forces of Russian neo-imperialism does serious disservice to civilized and democratic forces within the Russian polity. Western attempts to appease those forces by yielding before one set of Zhirinovsky-inspired demands (e.g., "NATO, Russia forbids you to admit Poland, Hungary, and the Czech Republic to membership!") simply feed the appetite for more. A difficult period of re-establishing American and, in general, Western credibility lies before us if we are to head off the likes of Zhirinovsky before they become really dangerous.

Next, we must see what needs to be done to prevent the remilitarization of imperialistic Russia and to cope with it if it comes anyway. For example, we must intensify our efforts to assist Russia in downsizing its still-bloated military establishment—particularly its weapons of mass destruction—and reduce its military burden in accordance with its treaty obligations and its own genuine national interests. The initiatives of Senators Richard Lugar and Sam Nunn to pull the bear's most dangerous teeth deserve much stronger support than they have received so far.

Secondly, if Russian neo-imperialism picks up momentum, our intelligence—especially human intelligence—needs to be better able to gauge the nature and magnitude of that threat far better than it did in the recently concluded Cold War. For the same reason, the dismantling of our information services, particularly Radio Liberty/Radio Free Europe and their associated research capacities, now under way, is folly in the extreme. Freedom of the press and *glasnost* are threatened or already extinguished throughout the former USSR. Both we and the people of the region need the Radios and their ability to broadcast truth.

Nor must our military, and especially our defense-technology research and development, be allowed to atrophy. Great power rivalries with their military dimensions remain with us and may well intensify.

Finally, and more generally, we need to understand what we are actually up against. Pollyannish pronouncements by Bill Clinton and Strobe Talbott—such as those made after last December's elections or surrounding the January summit meeting in Moscow—simply perpetuate a false complacency. The media's recent coverage of Russian events has, for the most part, been superficial and misleading. By caricaturing Zhirinovsky as a clown, a Chaplinesque führer figure, the media lead us to underestimate him grievously and blind us to the rising tide of extremism in Russia. □

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A Strike against the NLRB

A FEDERAL LICENSE TO MAIM

When unions begin knocking heads, the NLRB starts slapping wrists—if that.

JAMES BOVARD

UNION VIOLENCE is far more widespread in the U.S. than public opinion realizes. The National Right to Work Committee estimates that almost 6,000 violent incidents have occurred during strikes since 1975. But this is less surprising than it might appear since federal labor relations policy implicitly permits some workers to use violence against other workers. Thanks to the rulings of the National Labor Relations Board, a man's right to sell his labor is often at the mercy of whether other men feel that sale will damage their bargaining positions.

When they do, mayhem can be the result. In 1990, the *New York Daily News* was dying financially largely because of the huge inefficiencies built into its union contracts. Delivery truck drivers routinely earned $100,000—though union restrictions on the number of newspaper bundles on each truck often meant the trucks went out half empty. Michael O'Neill, the former editor of the *News*, complained: "Even without adding any new automation, the *News* today has 50 per cent more workers than it needs." Once the *News* announced plans for job cutbacks, the union struck.

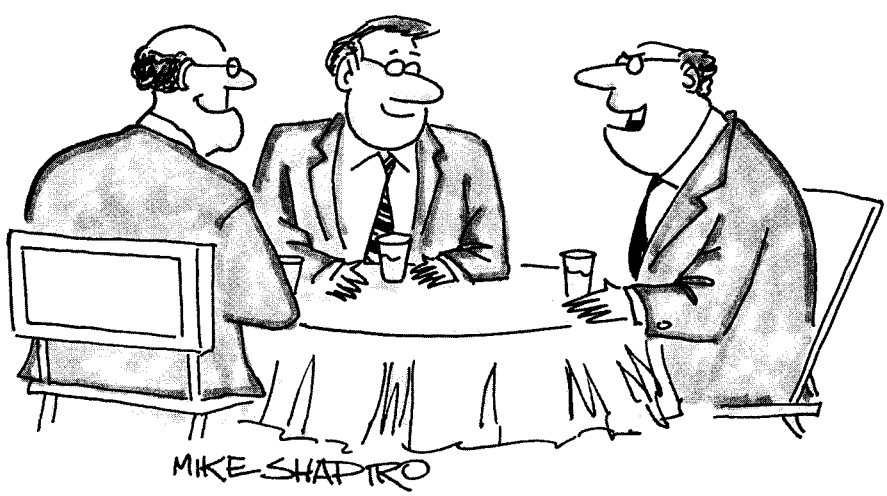
Hundreds of incidents of strike-related violence occurred, including the firebombing of a store selling the *News*, an arson attack that destroyed 13 tractor trailers in the Bronx, the stabbing of a replacement truck driver, and the destruction of several delivery trucks. The *New York Times* noted, "In one of the more serious incidents, an employee was beaten by two carloads of strikers who descended upon him with baseball bats as he walked to the subway station near the Brooklyn plant . . . Executives at Save Mart Electronic and Hillside Bedding, two of the remaining major advertisers at the *News*, said that most of their stores have been vandalized repeatedly since early January."

There is little distinction between this sort of unionism and mafia violence. And, indeed, the two are sometimes intimately connected. In a 1991 report, the New York State Organized Crime Task Force concluded the problem of labor racketeering in the New York City construction industry is "all the more serious because it is so pervasive, has so many victims, and is the catalyst for the commission of so many other kinds of crimes. It victimizes employers and employees, loots pension and welfare plans, mocks the federally guaranteed right-to-union democracy, stifles economic competition, and subverts the collective-bargaining process." The Task Force noted that honest union reformers may be "laid off, blacklisted, intimidated, beaten, or even killed," and that the NLRB and other federal agencies "offer such victims little support."

How can such things happen? Relations between employers and unions are governed by a byzantine web of federal regulations and rulings by the National Labor Relations Board. The NLRB has sweeping discretion to penalize companies, unions, or individuals for "unfair labor practices." In effect, an "unfair labor practice" is whatever displeases a majority of the five political appointees to the National Labor Relations Board.

The NLRB supervises union-management relations in part to ensure that companies do not coerce unions. NLRB officials have an expansive concept of coercion when it comes to management behavior; companies have been found guilty of "unfair labor practices" for merely criticizing unions or for offering raises to their workers before the workers vote on whether to join a union. The NLRB has even issued cease-and-desist orders to nullify companies' premium pay plans and investigated one company for giving Christmas bonuses to employees without the union's permission.

Unions are held to a different standard. In July 1993, the NLRB ruled that when a Teamsters union local affiliate filed a $20-million class-action



"Don't believe everything you read—just the things you agree with."

Mr. Bovard is the author, most recently, of Lost Rights: The Destruction of American Liberty, *forthcoming in April from St. Martin's Press.*

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lawsuit against an employer three days before workers were to vote on whether to join the union, that was not an unfair labor practice. NLRB Chairman Devaney dissented: "I would find that the Petitioner's filing of a $20-million class-action RICO lawsuit against the Employer on behalf of the employees, without cost to them, announcing the suit to the employees the evening before the election, and holding out the prospect of their recovering $35,000 each, while at the same time 'reminding' them that the Petitioner needed their votes the next day, would have a reasonable tendency to influence the outcome of the election and therefore interfere with the employees' exercise of their free choice."

And when unionized workers intimidate management or their non-union colleagues, the NLRB's sense of coercion—so finely tuned when it comes to cracking down on companies—is absent. Labor-law expert Steve Antosh observed, "In the Georgia Kraft case, the Board found no violation where union members cursed a nonstriker in his home in the presence of his family, and stated they 'would take care of him' when they returned to the plant. The Board characterized these statements as 'ambiguous.'"

In a 1991 case involving Precision Window Manufacturing, Inc., of St. Louis, the NLRB ordered a company to re-hire and award back pay to an employee who was fired after threatening to kill his supervisor. The fired employee promised to return at the end of the day and kill his boss; indeed, the worker did return at quitting time, and remained outside the plant until police arrived. The NLRB ruled that the employee's "rambling, semicoherent mix of insult and threat" were not so flagrant as to forfeit his right to favored treatment under federal labor law. (A federal appeals court subsequently overturned the decision.)

The NLRB makes the finest distinctions in judging the amount of union violence that can be permitted without penalty—meaning that implicitly *some* union violence is okay. One 1979 decision said that a striking employee "should not be deprived of reinstatement rights absent of a showing that the conduct was so violent . . . as to render an employee unfit for future service." And in a 1990 case union pickets had attacked trucks owned by the International Tank Service, Inc., with rocks and lead pipes, and assaulted company manager John Evans. The NLRB noted judiciously that "it does not appear that this property damage was extensive" and "Evans was not seriously injured . . ." Because of the relative mildness of the violence—"Small Strike in Ohio, Not Many Maimed"—the NLRB Office of General Counsel recommended that the picketing not be declared unlawful, and even that the time allotted to the union to picket for recognition not be shortened.

Perhaps the worst recent instance of NLRB countenance of union violence is its handling of the 1990–93 Greyhound bus strike. After management and the Amalgamated Council of Greyhound Local Unions had negotiated for four months in 1991, the union called a strike. At midnight on March 1, drivers walked off their jobs. The following day, Greyhound began hiring replacement workers and implemented the terms of its final contract offer to the union.

"Granted you're loyal and trustworthy, but I was hoping for a little more than just that."

Strikers began a campaign of violence to bring Greyhound to its knees. On March 11, seven passengers were wounded by shots fired at a Greyhound bus in Jacksonville, Florida. In the early months of the strike, buses carrying passengers were shot at 52 times. Bus ridership fell by two-thirds, and the company was unable to provide buses and drivers for almost half its scheduled runs.

Despite the violence, the NLRB early on took the union's side. In May, NLRB General Counsel Jerry Hunter sought to force the company to provide "immediate and full reinstatement" to the strikers, to fire "if necessary, any and all replacements in order to provide work for such strikers," and to provide the strikers with $143 million in back pay. The NLRB claimed Greyhound had committed an unfair labor practice by implementing its final contract offer without union consent—even after union members attacked Greyhound buses, stations, and employees.

It wasn't until mid June—three months into the strike—that the NLRB issued a nationwide injunction preventing the strikers from throwing Molotov cocktails, concrete, bricks, and bottles at buses or replacement drivers, and committing other acts of violence and harassment. The union, while denying any responsibility for the violence, agreed to the NLRB cease-and-desist order and signed a June 1990 court order-consent decree ratifying the agreement.

This, however, was an advantage for the union rather than Greyhound. The union did not have to pay a single cent of damages or compensation to Greyhound under the terms of the NLRB agreement. And when the violent attacks on buses and striker-replacements persisted throughout the summer, the NLRB refused to enforce the terms of the consent decree, according to Rosemary Collier, counsel for Greyhound and former NLRB General Counsel. Yet, later, in the agency trial, NLRB lawyers argued that striker violence was irrelevant to any settlement because the violence had been "remedied" by the consent decree.

Three months after the strike began, Greyhound filed for bankruptcy. Greyhound chief executive officer Fred Currey said it was the violence that did it. "I've dealt with supply-demand risks all my life," he said, "but I've never lost money as a result of criminal activity, and I deeply resent it. It's been open warfare."

In July 1990 the NLRB General Counsel's office ruled that the union had violated a provision of the National Labor Relations Act that prohibits unions from undertaking campaigns of violence while engaging in collective bargaining, and recommended that charges against it should

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be dropped. Despite scores of violent incidents, the NLRB rationalized that "although the Union's conduct in the instant case *was substantial and widespread*, this case does not involve a situation where the Union brought its misconduct directly into the negotiations, by engaging in violence, threats or other restraint and coercion aimed directly at employer bargaining representatives" (emphasis added). Since the strikers only shot Greyhound buses and not the company's CEO, the strikers' crimes were, it seems, irrelevant to federal labor law.

Greyhound management had terminated negotiations with the union after the first wave of striker violence; the NLRB ruled, "Concededly, the Union's misconduct did lead to a suspension of negotiations. However, this suspension resulted from the Employer's independent decision to terminate bargaining in response to the Union's misconduct." The NLRB's definition of "bargaining in good faith" apparently includes an unlimited obligation for a company to bargain with representatives of a group that shoots and attacks its customers and employees in an attempt to destroy it.

So the NLRB brought a case against Greyhound before one of its own administrative law judges. Its complaint alleged Greyhound bargained unfairly with the drivers and forced the strike in an attempt to break the union. The NLRB claimed that no bargaining impasse had existed at the time the union went on strike, and thus that management had no right to unilaterally implement its contract offer after the union members left their jobs.

(At about the same time the issue was also being tried in a more objective court, before U.S. Bankruptcy Judge Richard Schmidt as part of the determination of Greyhound's liabilities in bankruptcy proceedings. Judge Schmidt concluded that there was not "any serious doubt" that an impasse had existed. Schmidt reduced the NLRB's claim against Greyhound for back wages and damages to workers from $143 million to $31.5 million—as a bankruptcy judge, he could not totally erase the claims.)

In an indication of how far the NLRB would go to accommodate the Greyhound strikers, NLRB lawyers argued that Greyhound had committed an illegal "unfair labor practice" by firing two strikers convicted and sentenced to jail for shooting at a bus carrying passengers. The NLRB argued that the workers had been engaged in union activities during the strike, and thus that their activities were protected under federal labor law and that Greyhound owed them back pay, according to Greyhound counsel Rosemary Collier.

Under pressure from the Clinton Administration and the NLRB, Greyhound settled with the striking union in April 1993 before the drawn-out administrative trial was completed, agreeing to provide some $22 million in back pay and to rehire many of the strikers who had been engaged in misconduct against the company. The union was *not* required to make any compensation to the shooting victims or others injured during the course of the strike.

The double standard is typical. As a University of Pennsylvania–Wharton School of Business study noted in 1983, "The board has consistently refused to order unions to compensate employees who have incurred hospital or medical expenses as a result of union violence. It has likewise refused to order monetary awards covering union damage to company property and equipment."

The NLRB's policy will likely become more biased during the Clinton Administration. (President Bush showed little interest in the rights of non-union workers until April 1992, when he was knee-deep in a floundering re-election campaign—hence, the feckless work of his NLRB appointees.) Clinton is an advocate of a federal prohibition on businesses hiring replacements for strikers. And he nominated as chairman of the NLRB, William Gould, a Stanford Law professor and former United Auto Workers counsel who has complained that "the concept of economic democracy has lagged considerably behind political democracy" in the U.S. The combination of a ban on replacement workers and tolerance of striker violence could give unions a stranglehold over management in most labor confrontations.

But we should be moving in the opposite direction. When Americans are increasingly revolted by violent crime, Congress should give the NLRB a cease-and-desist order on its tacit endorsement of violence as a union bargaining tactic. □

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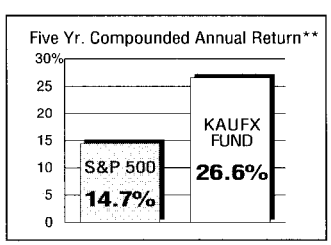

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JAFFA v. BORK: AN EXCHANGE

Judge Bork concludes his discourse in *NR*'s February 7 issue as follows:

> Written in dyspeptic prose, *Original Intent and the Framers of the Constitution* is one of the least coherent, least consequential, and most disingenuous pieces of constitutional theorizing on record: incoherent because Mr. Jaffa offers conclusions that cannot possibly be tortured out of constitutional text, history, or structure; inconsequential because, so far as is apparent, his argument has applicability only to one pre–Civil War case; disingenuous because he misrepresents not only that case but the Constitution itself. This may sound unduly harsh. I have tried to show that it is only duly harsh.

I have been writing for NATIONAL REVIEW for nearly thirty years, and I believe its readers are sophisticated enough to tell a book review from a temper tantrum. No one before has pronounced my prose "dyspeptic," although clearly it has given Judge Bork heartburn. It is not difficult to know why.

The July 9, 1991, issue of NATIONAL REVIEW published an article entitled "The Closing of the Conservative Mind: A Dissenting Opinion on Judge Robert H. Bork." In it I offered a critique of the central thesis of Judge Bork's then recently published book, *The Tempting of America: The Political Seduction of the Law*. In the intervening two and a half years Judge Bork has studiously ignored that critique, but now that it is incorporated in *Original Intent and the Framers of the Constitution*, he has condescended to descend from his pedestal.

Bork's book is built around the proposition that liberal judges write their own subjective opinions into constitutional law. They attribute to the Constitution rights that are the judges' own invention, and then devise remedies on the ground that the Constitution requires them. Judge Bork and I are agreed that that is wrong and bad. I don't like liberal judicial activism any more than he does.

According to Bork, however (in *Tempting*), the first case in which this occurred was that of *Dred Scott* v. *Sandford*, in which Chief Justice Taney, in his opinion for the Court, discovered a constitutional right of slave ownership, which "right is nowhere in the Constitution." Because of this alleged right, says Bork, Taney pronounced the Missouri Compromise ban on slavery, or any prospective congressional ban on slavery in any United States territory, to be unconstitutional. According to Bork,

> this was the first appearance in American constitutional law of "substantive due process," and that concept has been used countless times since by judges who want to write their personal beliefs into a document that, most inconveniently, does not contain such beliefs.

The only trouble with this analysis is that Taney did *not* invent a right to slave ownership that is "nowhere to be found in the Constitution." The recognition of the right of slave ownership is massively present within the Constitution of 1787. Taney did not, as Bork says, read a right of slave ownership *into* the Constitution.

This is not the only example of Bork re-writing the Constitution to suit his purposes. He does the same thing to the Ninth Amendment, which reads: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Professor Douglas Kmiec of Notre Dame University Law School, who was head of the Office of Legal Counsel in the Meese Justice Department, takes Bork to task for arguing that these words "are a meaningless 'inkblot.' " In *The Attorney General's Lawyer* (1992, pp. 35 to 37), Kmiec writes that "Bork's inkblot assertion cannot stand. If the Constitution is law, no part of it can be unenforced." Kmiec also writes that "Madison . . . perceived the Ninth Amendment as incorporating natural law . . ." which is of course why Bork de-incorporates it from the Constitution. So much for the advocate of a jurisprudence of "original understanding"!

It is just as illegitimate for a conservative to deny rights that are recognized by the Constitution as it is for liberals to invent rights not recognized by it. I wrote that no one, so far as I knew, in two hundred years (that is, before Judge Bork) had ever denied that the Constitution of 1787 recognized the lawfulness of slave property. This is why I said that Bork had bowdlerized the Constitution.

Judge Bork now admits that

> The Constitution certainly recognized that slaves were held pursuant to the laws of some states, but the Constitution most emphatically did not guarantee such a right.

It bears repeating that in his book Judge Bork asserted categorically that recognition of a right of slave ownership was "nowhere to be found" in the Constitution. Now he admits that the Constitution of 1787 "certainly recognized" such a right. But he pours out his invective upon me for discovering his error.

Judge Bork compounds his error, even while denying it. He says that the Constitution did nothing to guarantee slave property. But consider the words of Article IV, Section 2:

> No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Contrary to what Bork says elsewhere, the Constitution does not say that fugitives are to be returned by the states. A good indication of the "original understanding" of this clause is the fact that the first federal fugitive-slave law was passed in 1793, and remained in effect until a much more stringent law was passed in 1850. Returning fugitive slaves was therefore recognized as a federal responsibility during almost all of the period between the adoption of the Constitution and the adoption of the Thirteenth Amendment. Even after the Emancipation Proclamation the fugitive-slave law continued in effect—legally if not practically—in slave-holding counties that were loyal to the Union. Thus there can be no question but that the Constitution of 1787 made the Federal Government an active agent in preserving and protecting slavery.

Bork writes that the "three-fifths clause [Article I, Section 2] was designed to limit slave-state representation." But consider: A man in antebellum Pennsylvania owns property in land and buildings and livestock. Another man, in Virginia, owns property of the same value; but the Virginian's property is invested in part in five slaves. The Virginian in effect casts one vote for himself and three more for his five slaves. (Of course, the Virginian would have liked to have five more votes, rather than three. Perhaps this is what Judge Bork meant by limiting slave-state representation. All the Virginian had to do to have his slaves counted as whole persons, rather than three-fifths of persons, was to free them. But then he could not have cast their votes.) And these additional votes were registered in representation in the Electoral College as well as in the federal Congress. If Judge Bork had read any of the antebellum debates over slavery, he would have found this to be one

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of the leading free-state grievances, and one of the reasons for their opposition to adding more slave states to the Union.

Judge Bork writes that

> The importation clause [Article I, Section 9] was a compromise that delayed a federal ban on the importation of slaves for twenty years.

This article merits more notice than Judge Bork's passing glance. Taney relied upon it when he wrote that under the Constitution of 1787

> the negro . . . was bought and sold and treated as an ordinary article of merchandise and traffic, when ever a profit could be made by it.

Consider that, contrary to Judge Bork, the Constitution says nothing about delaying a ban. Article I, Section 9, only forbids a ban. This clause constitutes an exception to the power of Congress "to regulate commerce with foreign nations and among the several states. . . ." And it is a powerful exception, so powerful that Article V of the Constitution says that this clause may not be amended. It is true that when the twenty years had elapsed, the *foreign* slave trade was in fact banned. But the *interstate* slave trade was never banned, nor was any serious attempt ever made to regulate it, despite repeated efforts of antislavery societies to promote legislation requiring humane and sanitary treatment of the Negroes. Moreover, at least one reason why the foreign slave trade was banned in 1808 was that states like Virginia and Kentucky were exporting their surplus slaves to newer slave states which could more profitably employ them. Cheap African imports lowered the price at which they could sell their homegrown products on the domestic market. The banning of the foreign slave trade was a protectionist measure as well as a humanitarian one. (The protectionist interest in limiting foreign competition is also apparent in Article I, Section 9, in which it is said that a duty may be imposed on each imported slave, "not exceeding ten dollars for each person.") In short, even after 1808 there was that in the "original understanding" of the Constitution which justified Taney in saying that the Constitution recognized slaves not only as chattels, but as ordinary commercial property.

Judge Bork has now admitted at least three conspicuous clauses of the Constitution of 1787 that recognize a right of slave ownership. But, he says,

> How any of this adds up to justifying Taney's invention of a constitutional right to own slaves in federal territory remains a complete mystery.

Bork then asserts that

> Congress has legislative power over territories more complete than a state legislature has over its state, for the state legislature may not interfere with the exercise of federal power. There can be nothing constitutionally wrong, therefore, if Congress defines what may or may not be property within a federal territory. In the Missouri Compromise, Congress said that persons could not be property in a designated part of federal territory. That is why *Dred Scott* was a usurpation of congressional power accomplished, Mr. Jaffa to the contrary notwithstanding, through Taney's invention of substantive due process.

Judge Bork writes as if Taney's opinion in *Dred Scott* was merely a judicial idiosyncrasy. In fact, it was an outcome of the firestorm over slavery in the territories that began during the Mexican War and that culminated in the Civil War. Judge Bork says that there "can be nothing constitutionally wrong . . . if Congress defines what may or may not be property within a federal territory." That may be true today, but in the generation before the Civil War, no resolution to that effect could have passed Congress. In fact, during the Mexican War, just such a resolution—the Wilmot Proviso—repeatedly passed the House and just as repeatedly was defeated in the Senate. (The Wilmot Proviso—for Judge Bork's information—said that in all the territory acquired from Mexico as a result of the war, slavery would be prohibited. Abraham Lincoln said, somewhat hyperbolically, that as a member of Congress he had voted for the Wilmot Proviso "as good as forty times.") The 1862 law that finally banned slavery in all United States territories passed during the Civil War only because the representatives of 11 slave states had withdrawn from Congress.

Long before Taney joined the Supreme Court, the Missouri Compromise ban of 1820 was widely regarded in the South as unconstitutional. It was permitted to pass, however, as a concession necessary to have Missouri admitted as a slave state. Moreover, at the time it appeared to be a settlement of all outstanding constitutional questions in regard to slavery. With the acquisition of vast new territories conquered from Mexico, all previous concessions were rescinded. In the 1850 territorial laws for Utah and New Mexico, Congress could not agree either to permit or to ban slavery. It provided that any states formed from these territories might be admitted into the Union, with or without slavery, as their constitutions might prescribe. But the crucial question was: What would be the status of slavery in the territories *before* the time for adoption of a state constitution? This would determine whether such constitutions would or would not sanction slavery. And on this question Congress, like the country, was irreconcilably divided. Hence it was written into the territorial laws of 1850 that any dispute about the status of slavery in any territory could be appealed directly from the Supreme Court of the territory to the Supreme Court of the United States. In short, Congress itself, and not any gratuitous intervention by the Court, handed the Court the question of the constitutional status of slavery in the territories. Of all this, Bork appears to know nothing.

In 1854 Congress passed the Kansas–Nebraska Act, which said that the Missouri ban of 1820 was inconsistent with the policy of the 1850 laws, and was therefore "inoperative and void." Senator Douglas, the author of the Kansas–Nebraska Act, always claimed that the policy of the 1850 laws was one of congressional non-intervention. The hard-line Southerners, who had a dominating influence on both the Presidents who preceded Lincoln, as well as on the Senate during the same period, were not satisfied with Douglas's "popular sovereignty," which left the decision on slavery in each territory to the local inhabitants. They wanted guarantees that slave property, no less than any other kind of property, would have the protection it needed. When Taney wrote that the only power conferred by the Constitution on Congress in the territories "is the power, coupled with the duty, of guarding and protecting the owner in his rights" they finally got it.

On the eve of the decision in March 1857, both the outgoing and the incoming Presidents (Pierce and Buchanan) exhorted the American people to accept the forthcoming decision of the Supreme Court as a final resolution of the question of the status of slavery in the territories. There is little doubt that these "doughface" Presidents were in some kind of collusion with Taney. When the Court acted as it did, it was attempting to cut the Gordian knot which had immobilized the political process. The decision, and Taney's opinion, were evidence that the Southern Democrats at that moment dominated the Presidency, the Senate, and the Supreme Court. But the rising tide of Republicanism marked the imminent end of that dominance. *Dred Scott* was a desperate attempt to transform a moral and political question into

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(see *National Review*, Oct. 18, 1993)

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a legal and constitutional one. But it was political, not legal forces, that produced the result. "Substantive due process" had absolutely nothing to do with it.

Judge Bork finds it a "complete mystery" how the constitutional recognition of the right of slave ownership "adds up . . . to a constitutional right to own slaves in federal territory." The mystery is solved once one understands that the debate over slavery in the territories was also a debate between two theories of the nature of the Union and the Constitution. This was also a debate between two rival opinions about the "original intent" of the Constitution. The Civil War itself was nothing more or less than a continuation of this debate "by other means."

The architect of the Southern view of the Constitution was John C. Calhoun. Although he died in 1850, he is rightly regarded as the Moses of the Confederacy, the lawgiver who showed the South the promised land. Jefferson Davis was his disciple. Roger B. Taney was his disciple. (In *NR*'s history, Willmoore Kendall, Frank Meyer, Garry Wills, Mel Bradford, and Russell Kirk are among those who have subscribed to the view of Calhoun as the supreme sage of American constitutionalism.) Public opinion in the states that seceded in 1860–61 was influenced decisively by Calhoun. It is nearly impossible to imagine the Civil War except in the light of the Southern mind as shaped by Calhoun.

Calhoun's idea of states' rights was the cornerstone of his constitutional architecture. Each state, he held, became a member of the Union under the Constitution of 1787 solely by virtue of its ratification of the Constitution. The Constitution was a "compact" among the states so ratifying. Each state was an equal partner in this compact. The territories of the United States belonged equally to all the states. The Federal Government was their agent, deriving all its authority from their acts of ratification. It had no power to govern the territories, except as that power had been delegated to it by the states in the Constitution. The constitutional equality of the states forbade the Congress, as the common agent of the states, from discriminating among the property rights recognized as lawful by any of the states. It therefore had no lawful power to discriminate against slave property, or to offer it less protection than other property. Hence, the Missouri law was unconstitutional. This was the Calhounian theory behind Taney's opinion.

This is a powerful argument. If it is true, then the Missouri law was in fact unconstitutional. And if that law was unconstitutional, then Taney was correct in saying that anyone deprived of his slave property because of it, and who had committed no punishable offense, had been deprived of his property without due process. "Substantive due process" does not enter into the argument.

The only question is whether the theory of states' rights, whose truth is assumed by Taney, is in fact true. Suffice it to say that the theory of states' rights stands in opposition to the theory of natural rights. In the true doctrine of original understanding, as held by the Framers and ratifiers of the Constitution, all rights of all legitimate civil societies are derived from the consent of the governed. And the consent of the governed arises from the equality of the natural rights of all human beings, under "the laws of nature and of nature's God." The states severally, and the Union as a whole, exist to secure man's natural rights. States' rights are therefore derived from natural rights. Circumstances arising from British rule during the colonial period may have justified slavery as a necessary evil where it already was deeply rooted, at the time the Constitution was ratified. But there could be no justification for extending that evil to virgin territory. Hence Congress did have the right to outlaw slavery in any or all of the territories.

The natural-rights theory enables us to distinguish the *principles* of the Constitution from the *compromises* of the Constitution. In *Original Intent and the Framers of the Constitution* I have tried to show how understanding this distinction in *Dred Scott* unravels many of the mysteries surrounding the equal-protection clause of the Fourteenth Amendment today. Judge Bork, as a legal positivist, is no more able than Calhoun to distinguish the Constitution's principles from its compromises. Judge Bork tries to draw Lincoln's conclusion—plenary congressional power over property rights in the territories—from Calhoun's premises. But such plenary power can be inferred only from the doctrine of natural rights. Calhoun, and Taney, reached their conclusions only by severing the doctrine of states' rights—and hence of constitutional power—from its original foundation in natural rights. Judge Bork has done the same.

O.K., Judge, the ball is in your court!

Harry V. Jaffa
Senior Fellow, Claremont Institute
Claremont, Calif.

Mr. Bork Responds

Not really. After Professor Jaffa's latest effort, the ball has disappeared over the

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fence and is lying in the weeds, far from any court. Rarely has historical learning been deployed to so little effect. I am pleased Professor Jaffa has quoted my assessment of his book as "incoherent, inconsequential, and disingenuous." It cannot be said too often. His response ignores most of the points made in my review of his book in order simply to repeat two of his most obvious errors.

The odd notion, which Jaffa shares with Taney, that the Constitution contained a right, good against the Federal Government, to own slaves rests entirely upon a few provisions that attempt to cope with the brute fact that slaves were held in the Southern states and that the North could do nothing about that if a nation was to be created. Robert Goldwin has pointed out, quite correctly, that the Framers assiduously avoided giving slavery constitutional standing. Thus, there was no "evidence [in the original Constitution] of the kind of thinking ascribed to the founders by Chief Justice Taney in the *Dred Scott* case . . . there is no such racism to be found in the Constitution, then or now, not a word of it" (*Why Blacks, Women, and Jews Are Not Mentioned in the Constitution, and Other Unorthodox Views*). So far as the Constitution was concerned, slavery was a fact that had, for the time being at least, to be endured, not the guaranteed right that Taney made it.

Even more peculiar is Professor Jaffa's insistence that substantive due process had nothing to do with the *Dred Scott* decision. Here he parts company with Taney, and about time, too. Taney advanced many arguments for slavery but he also said quite clearly that depriving a man of his property (a slave) merely because he brought his property into a particular territory of the United States (where slavery was forbidden by the Missouri Compromise) "could hardly be dignified with the name of due process of law." As Professor David Currie has written, Taney's *Dred Scott* opinion "was at least very possibly the first application of substantive due process in the Supreme Court, the original precedent for *Lochner* v. *New York* and *Roe* v. *Wade*."

By now every reader must be heartily sick of arguments about the correct interpretation of an opinion almost 140 years old. It is time to bring this bootless discussion to a close. In doing so, I would remind Professor Jaffa that the first discussant to resort to the *ad hominem*, which is his standard style of argument, has no standing to complain if he is treated severely in return.

—Robert H. Bork

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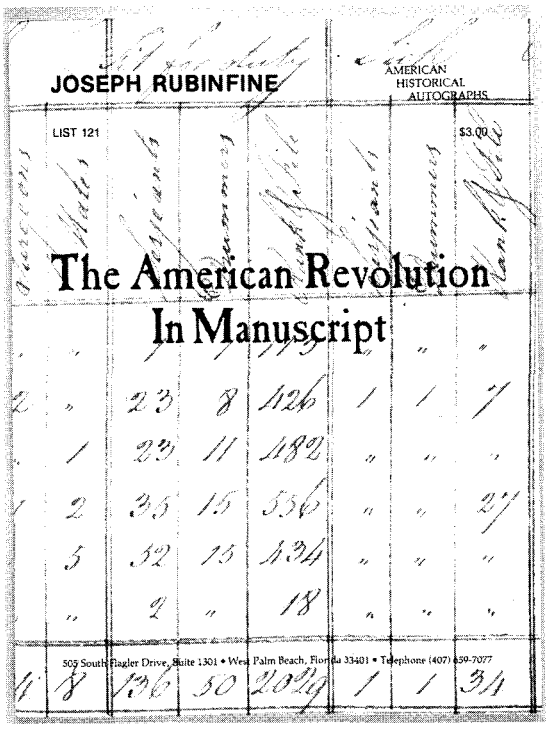
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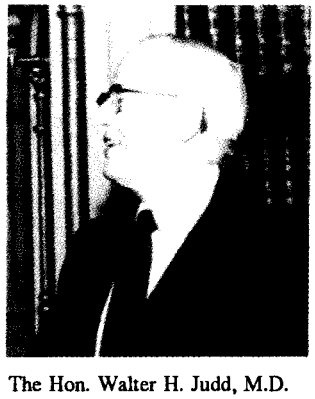

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THE VICE PRESIDENT

WASHINGTON

February 25, 1994

Dear Rusty,

Did you get my Christmas card yet? I know the mail in South America is slow, which is why I pouch most letters to you, but your address is in the computer, so your card went regular mail. By late last week, most of the cards to domestic addresses had been delivered, but I'm not sure about the international ones.

It was embarrassing for the post office, of course. When the Vice President of the United States (co-President, really, is what people inside the beltway are saying)—did you get the copy of last week's New York Times Magazine I sent?—anyway, when I send out Christmas cards on December 3, I kind of expect them to get delivered before February 18!

Tip was furious. "I'm going to march down to that post office and give them a piece of my mind," she yelled. And believe me, I was going to let her—until I remembered how uptight those guys at the post office are, and how any little thing can set them off. Before you know it one of them is blazing away with a shotgun at people standing at the complaints window, like Tip. So we composed a sharp note to the Postmaster General and I had my secretary fax it.

When you think of it, it's a pretty funny and ironic story, and I made a mental note to bring it up at the next health-care strategy meeting. Those meetings are getting very somber and very depressing, and frankly, a little weird. I came late to the last one, and when I walked in everyone was giggling and looking foolish. It turned out that HRC had opened the meeting by calling Domino's pizza and ordering 25 pizzas delivered to Jim Cooper's house. "That's not the way to begin negotiating a compromise on payroll numbers for employer-mandates," I said. HRC just sighed.

"Lighten up, Al." And then she called the Cooper home and asked if their refrigerator was running.

And even though the American people know I can be funny—by the way, can you send back those tapes of me on Letterman?—the folks around here aren't so sure, so I make it a point to remember funny little stories and anecdotes to tell at meetings.

On my way to the Oval Office, I ran into Mr. Gergen. He was just coming out of the White House Mess with Brit Hume, and two guys he introduced me to: the CEO of Capital Cities/ABC and Roone Arledge, who runs ABC News. The CEO of Capital Cities/ABC pulled me aside and said, "I just want to thank you for all you've done for the communications industry, and I'd like to say that I support you 100 per cent, especially the part about John Malone being the anti-Christ."

I had to correct him: "I said he was Darth Vader, not the anti-Christ."

The CEO shrugged. "It's six of one to me," he said, "I'm not religious."

Then he tugged my sleeve again. "What's with this guy, Malone? So he built a better mousetrap. What's so great about cable? Five hundred channels. Good reception. You know what I miss? I miss rabbit ears."

Mr. Gergen finally managed to pull him away. "We've got some things to discuss," he said as he led them down the hall, "like my signing bonus."

So by the time I got to the meeting, HRC was just finishing up showing a videotape of her and Susan Thomases lighting a paper bag on fire on Jim Cooper's front porch. I mean, really.

We all took our seats. I cleared my throat, and told my story about the Christmas cards, and how funny it was that such a huge bureaucracy couldn't even get a few thousand Christmas cards delivered on time, and that the funny thing is, here we all were trying to start up another huge bureaucracy for health care that will be twice as large and four times as expensive, and that if a bunch of Christmas cards are late, well, who cares—no one dies, right?—but if you have to wait two and a half months for an appendectomy, well that's really bad news and isn't that ironic?

Suffice it to say, nobody laughed. HRC just stared at me. George Stephanopoulos squinted his eyes really tight and flipped through his notebook. If only they would allow Mr. Gergen into these meetings, at least there would be one laugher.

"The difference, Al, between your insignificant post office experience and our Universal Health Security Act," said HRC, "is that you and Tipper had a choice. You could have used Federal Express."

Like I didn't know that. I was only trying to make a joke, Rusty. Sometimes I think people around here are jealous of my wit.

Thanks for letting me vent, Rust. You're a good pal. By the way, while we're on the subject of the post office, we've got to come up with a new way to send letters back and forth. The guy I was using to pouch stuff down to you is in a little trouble at the moment, so he won't be able to take this letter down to South America, or pick up any return mail you might have, so don't bother waiting around the pool at the Intercontinental Hotel Bogota. Aldrich Ames is not coming. We might have to resort to regular mail for a while. Talk about inconvenient.

Write soon, Al

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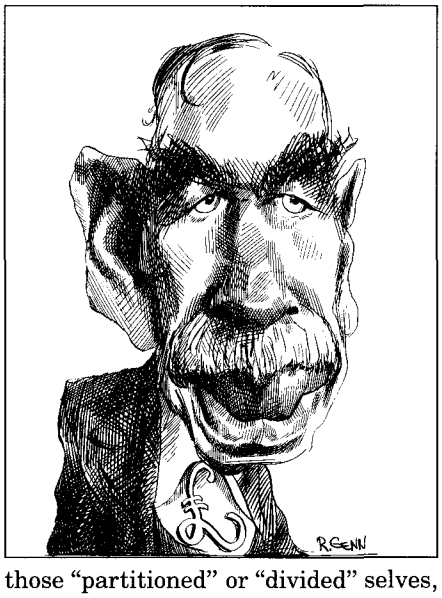
Are You Saved?

JOHN GRAY

EVEN TAKEN by itself, independently of the volume that has already been published and the third that is yet to come, this second volume of Robert Skidelsky's life of John Maynard Keynes must rank among the few true masterpieces of biography to have appeared in English in the twentieth century. In his introduction Lord Skidelsky signals to the reader that his book is not only a life of a great man whose work transformed the study of economics but a study in intellectual and cultural history, as that was refracted through the luminous and mysterious prism of Keynes's mind. Lord Skidelsky cites Alasdair MacIntyre's brilliant study in ethical theory, *After Virtue*, in which Mr. MacIntyre considers the moral anarchy that arises when, in cultures animated by the Enlightenment, the attempt to ground moral judgment in either tradition or religious faith is condemned as offensive to reason. The effect of this rationalist project has been to shatter moral life, to privatize moral judgments to the point at which they become indistinguishable from personal preferences, and to restrict moral discourse to questions of technique.

John Maynard Keynes, Vol. II: The Economist as Savior, 1920–1937, by Robert Skidelsky (Allen Lane/Penguin Press, 731 pp., $37.50)

In a subjectivist culture from which the idea of moral truth has vanished, Mr. MacIntyre suggests, we see the emergence of two representative modernist chararacters, the Aesthete and the Manager: the former devoted to the pursuit of beautiful states of mind which need no moral justification, and the latter possessed of the sort of technical expertise that renders moral reasoning, except about the relations of means to ends, redundant. Lord Skidelsky cites Mr. MacIntyre in order to suggest that Keynes's plural and mercurial personality encompassed both of these modernist characters. Keynes was an ardent lover of beauty and a master of persuasion; he belonged to the world of inquiry and to the world of power; he treated his own personality both as a work of art and as an instrument whereby he could influence others and steer his civilization away from the disasters toward which it was headed. He was one of those "partitioned" or "divided" selves, so representative of our age, whose lives are always fractured and provisional, never whole or complete. The life of Keynes, as it is interpreted by Lord Skidelsky, has not only the fascination that derives from the genius of its subject, on any balanced assessment the greatest economic thinker of the age; it has the deeper interest of a study in a crucial moment in the history of our culture, when both the tenets of traditional religion and the rationalist project of the Enlightenment ceased for many of its most gifted and reflective members to be credible as guides to public or private conduct.



Roman Gann

Mr. Gray is a fellow of Jesus College, Oxford.

In the first volume of his life of Keynes, *Hopes Betrayed, 1883–1920*, Lord Skidelsky gave us an exquisitely nuanced portrait of the "Cambridge civilization" of which Keynes was the finest flower. As this new volume makes clear, Cambridge civilization was only the English and provincial growth of the high bourgeois European civilization—the liberal capitalist civilization of learning and humanity, of the growth of wealth and of scientific knowledge, of progress in government, and of the alleviation of the larger human lot—whose faith in itself had been wounded, perhaps mortally, by the First World War. The subject of this second volume is in large part the story of Keynes's attempt to come to terms with the world of disorder and barbarism that issued from the Great War, and to reweave thought and policy so as to protect the civilization of liberal capitalism.

For Keynes, radicalism in thought was always a means to continuity and stability in practice. As Lord Skidelsky notes, Keynes was the author of an appreciative, hundred-page undergraduate essay on Burke, in which he endorsed Burke's view that social contentment was the true end of government and Burke's claim that it is unreasonable to imperil present and concrete goods for the sake of abstract and speculative ideas about future states of society. This conservative maxim Keynes never abandoned.

In the chaotic inter-war world, and particularly in the historical context of the Great Depression, however, Keynes insisted that substantial reforms both in thought and policy were necessary if liberal capitalist civilization was to survive and renew itself. In economic theory, Keynes developed the heterodox view that nothing in market institutions guaranteed the emergence of an equilibrium in which the resources of society are fully employed. On the contrary, he maintained that, left to their own devices, market economies may well arrive at an equilibrium characterized by large-scale involuntary unemployment. Such endogenous discoordination in market processes—to adopt for a moment the graceless argot of the economists after Keynes—is only to be ex-

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pected from time to time in institutions that carry the weight of our uncertainty and ignorance of the future.

The market economy was not, then, as the theorists of laissez-faire believed, a sort of perpetual-motion machine. It was instead a delicate and fragile growth, chronically vulnerable to alterations in expectations and in sentiment, with tenuous roots in popular allegiance, needing skillful nurturing if it was to flourish.

The policy implication of this theoretical model of market processes was clear: it was the responsibility of government to correct, by monetary policy and by other means, the tendency of market institutions to produce mass unemployment and the consequent threat to social and political stability. The task of government was to act as stabilizer of the economy when market processes produced outcomes that were both humanly unacceptable and liable to threaten the political stability of liberal capitalism itself. That this was a theoretical vision and an agenda for policy deeply subversive of the ruling orthodoxies of Keynes's—and more recent—times cannot reasonably be denied. It is important nevertheless to clear away several common superficial misunderstandings of the revolution in thought and policy that Keynes advocated. The role Keynes saw for government was that of tending the macroeconomic environment, not that of microeconomic intervention. Keynes never supported the corporatist industrial policy favored by many in the early Thirties in Britain, believing that a full employment policy based on providing effective demand would render economic planning, corporatist or otherwise, unnecessary.

Nor, secondly, did egalitarianism, or any conception of social justice, figure in Keynes's argument for a managed market economy. Keynes's conception of justice, like Burke's and indeed Hayek's, was contractual not substantive, and concerned the meeting of established expectations rather than the imposition on society of any ideal pattern of distribution. It was because he held to this conception of justice that Keynes always regarded inflation, like other violent fluctuations in the value of money, as a deadly enemy of social stability. As Keynes stressed in many writings on monetary theory and policy, including his *Treatise on Money* which preceded and in many ways informed his masterwork, *The General Theory of Employment, Interest and Money*, inflation is ruinous to social stability through the severance it effects between economic activity and reward and because it compounds and worsens the inevitable uncertainty in which we live by making monetary values indeterminate. No support is to be found in Keynes's writings for the inflationist policies pursued in many Western countries in much of the period after the Second World War.

Thirdly, and more generally, much post-war Keynesian theory and policy were inspired by ideas and models that Keynes himself clearly rejected as overly mechanistic. Keynes's deepest insight into market processes was that

they were not mechanisms of any kind, but volatile figments of expectation woven by human beings in an irredeemably uncertain world. Governments could not reasonably hope to transcend the ignorance and uncertainty that go with the human condition. As Lord Skidelsky says: "Uncertainty pervades both private and public calculations of means to achieve given ends. The uncertainty which imposed mediocre performance on unmanaged market economies applied equally to the effects of government policy. Keynes's disciples, the policymakers of the 1960s and 1970s, could not hold this balance in their minds. . . . Their hubris was inevitably succeeded by nemesis."

ONCE THESE vulgar misinterpretations of Keynes's thought have been cleared away, we can see more clearly the ways in which his thinking was a radical and original response to the dilemmas of his time. The historical context of Keynes's thought was the shattering of the European faith in progress wrought by the Great War, and nearly completed by its aftermath in Bolshevism, fascism, and the Great Depression. These cataclysmic events undid the certainties and weakened the hopes of the Victorians and the Edwardians, including those of Keynes himself, who had found in the curious Bloomsbury interpretation of the moral philosophy of G. E. Moore a justification for his rejection both of conventional morality and of Benthamite utilitarianism. It was the philosophy of Moore—himself a man of conventional and even puritanical views—that incongrously supported the experiments in free living of the Bloomsbury Group, including in Keynes's case a long period of active homosexual love, meticulously and dispassionately chronicled by Lord Skidelsky. In his devotion to the ideals of Bloomsbury we see Keynes the Aesthete, a character that his fluid and many-sided personality harbored to the end of his days.

In the inter-war years, however, the Edwardian hopes that sustained the Bloomsbury Group were dissolved in Keynes's mind, and he came to see his main task as that of preserving the fragile inheritance of liberal civilization by artifice and persuasion—thus assuming the persona of Keynes the Manager. It was in this period of his life that Keynes, in a swift transformation that astonished his friends and dismayed his homosexual lovers, found enduring happiness in marriage to the Russian ballerina Lydia Lopokova. It was in this period, also, that Keynes watched with sympathetic understanding T. S. Eliot's movement toward Christian faith. In 1934, over dinner at King's College, Cambridge, telling Eliot that he had "raised one of the primal questions," Keynes asserted that "he would not be inclined to abolish Christianity if it were proved that without it morality is impossible."

In these, and many similar remarks, most famously summarized in his memoir, *My Early Beliefs*, Keynes candidly acknowledged the inadequacies of the philosophy he held in common with the rest of the Bloomsbury Group. Yet he never advanced an alternative to it. Nor did he ever suppose that the solution to the dilemmas facing the liberal civilization he cher-

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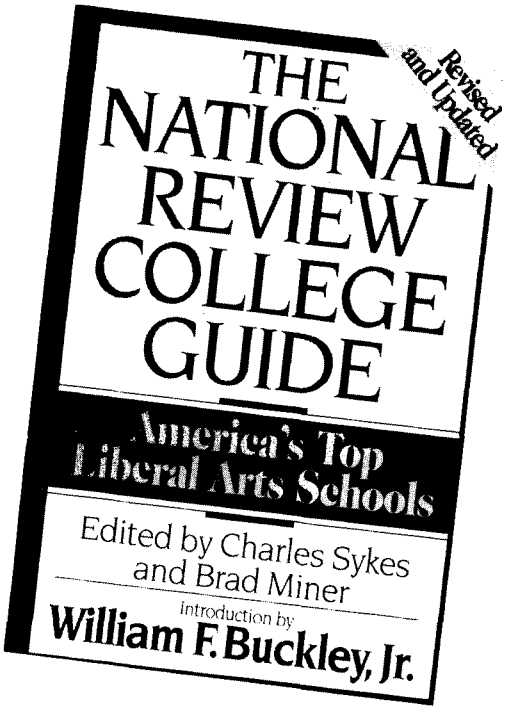
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Edited by Charles Sykes and Brad Miner
Introduction by
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ished was a return to older certainties. This is why he could not follow Eliot, though he admired him greatly. It explains also why he thought—surely rightly—that Hayek's attempt to revive a form of laissez-faire and limited government on nineteenth-century lines was foredoomed to failure. For Keynes, the older species of liberal capitalism could not be recaptured, to be preserved by an array of legal or constitutional devices of the sorts favored by Hayek and his followers. Liberal capitalism could be saved, if at all, only if it was transformed by the resourceful artistry of a political elite which understood how thin is the crust of civilization. For us, in an age in which the ruling classes of every Western society are captivated by a vulgar and anachronistic Enlightenment faith in progress, this thought of Keynes's should be at once sobering and ominous.

The larger human significance of Keynes, as it shines forth from this magnificent and yet to be completed biography, is that of a mirror of his times, times not so greatly different from our own, in which the certainties of reason have proved to be no less frail than the certitudes of faith, and liberal civilization is imperilled as much by the lack of imagination and conviction of its defenders as by the fanatical intensity of its opponents. □

Mother Dearest

ROBERT ELEGANT

THIS BOOK is not merely another in the recent spate of personal accounts, the best for some reason by women, that show the seamy side of life in the People's Republic of China—a life that is virtually all seams once the authors have flipped over the shiny outer garment seen by visitors. This book is also the story of a thoroughly immoral woman, who is, if perhaps not wholly truthful, at least searingly candid. It tells of her struggle against a thoroughly immoral, consistently untruthful, and rarely candid state that aspires to be seamlessly totalitarian—and looks upon its citizens as a mass like a swarm of bees, not as individuals.

The account by Yang Chi An (translated and, one suspects, heavily edited by Steven Mosher, who gives it a literary gloss) also obliquely illuminates the conflict between Washington and Beijing over human rights. Chi An's account centers on what was—at least until recent apprehension regarding overpopulation of the world—the least challengeable and the most personal of all human rights: the right to reproduce.

The Communist state has demonstrated by its efforts to limit the population of China with mailed fist and jackboot that it has no visceral appreciation of the concept of human rights, as understood both by the contemporary West and by traditional Chinese civilization. No measure is ruled out, not even forcible abortion on eight-and-a-half-month pregnant women and killing bureaucratically unauthorized babies with injections of formaldehyde into the soft crown as the head emerges from the birth canal. Purposefully or otherwise, the Communists simply do not know quite what Bill Clinton means when he refers to the rights Americans, Europeans, and a great many Asians consider to be virtually congenital, the natural heritage of every human being at birth. They further argue that human rights must be secondary to full ricebowls, much as Chinese workers have told me they would worry about unpolluting the environment after they got rich by polluting it.

A Mother's Ordeal: One Woman's Fight against China's One-Child Policy, by Steven W. Mosher (Harcourt, Brace, 288 pp., $21.95)

The Communists therefore arrogate to themselves the right to decide who is permitted to have a baby—and when. In most societies such decisions would be unenforceable, as they are in truth in the more remote parts of China. But the authorities' decisions have been ruthlessly enforced in cities like Chi An's Shenyang, an industrial center in Manchuria and, she tells us, even in the relatively remote Three Brothers Village in Central China where her husband Wen Xi was born.

Chi An triumphantly adapted to the rigors of the totalitarian society. Much assisted by chance, she bore not the single child allowed each Chinese couple, but a boy and then a girl. (She was considered odd for wanting a girl after having produced a boy.) The tactics she used were certainly immoral. It is, nonetheless, impossible to condemn her.

Having become a nurse, due as much to her mother's influence as to her own endeavors, Chi An found herself compelled to assist in abortions. Though unhappy, she did so.

Having obtained a "birth quota," largely by the exercise of her mother's influence, she produced her son. So far, so good! That was a reasonable adaption to a harsh, dogmatic, and corrupt society. Through her mother's influence, Chi An then got a job at a sanatorium where birth control was not really an issue. Primarily to make commuting less arduous, she subsequently secured a transfer to the clinic of the Shenyang Truck Factory, largely through her mother's influence. At the factory's clinic, which was actually a small hospital, the only hospital for thousands of workers, birth control for both female workers and the wives of male workers was a major enterprise, whether by insertion of intrauterine devices or by abortion.

Some explanation of the unique society in which Chi An lived may help here. Her mother was a poor pensioner, but had been a teacher before retirement. Since many among Shenyang's elite had passed through her classroom, she could ask of them favors that they were, within reason, bound to grant. In traditional Confucian China the pupil–teacher relationship—with its manifold obligations—lasted until death. In the new "socialist" society little had changed in that respect.

Further, the Shenyang Truck Factory was not merely a place of employment for Chi An. It was her *danwei*, her "unit," which acted as family, employer, church, social club, health insurer, and, above all, certifier of socialist respectability in a society where the children, even the great-grandchildren, of landlords and entrepreneurs were stigmatized all their lives. So powerful was Chi An's

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danwei that its malign influence followed her to the United States where her husband was a graduate student in engineering.

Having inveighed and fought against abortion for herself, Chi An worked with all her energy to meet the Truck Factory's minimum target for live births. She pressed the reluctant to undergo abortion and sterilization; she played the good cop to other officials' bad cop in "persuading" women to "volunteer" for those procedures; she hunted down those who hoped to evade the authorities' vigilance by producing a live baby secretly.

By the rules of the macabre game they were all playing, a child born alive would not be put to death. By the same token, violence was officially prohibited as a means of "persuasion." Nonetheless, children born alive were murdered by doctors or nurses—and violence was widely employed to force the reluctant to undergo abortion and sterilization.

Not remarkably, the refusal of Chinese men to undergo vasectomy never became an issue. The commissars who made the rules may have felt an admonitory thrill between their own thighs, for the operation is widely believed to induce impotence. What is sauce for the goose is emphatically not sauce for the gander.

Most heinously, Chi An betrayed her best friend. When Ah Fang went into hiding to bear her second child, Chi An discovered her place of refuge by recalling Ah Fang's earlier confidences and led the police to her.

Chi An had to ensure that births in the Truck Factory did not exceed the low quota or suffer fines, perhaps discharge. If the quota were not exceeded, she would, on the other hand, enjoy bonuses, promotion, and praise that were readily translated into material benefits.

Chi An recounts her sins with extraordinary candor, evidently achieving catharsis through confession. She became a Catholic after she settled in the U.S. The insights she offers into the nature of life in China under the Communists are actually sharper because of this book's emphasis on a single aspect of state oppression.

Yet those industrial workers were in theory among the elite of the new China—and were in any event at the cutting edge of new technologies in medicine as well as industry. The sad fact is, of course, that even at the cutting edge China was—and largely remains—pathetically backward.

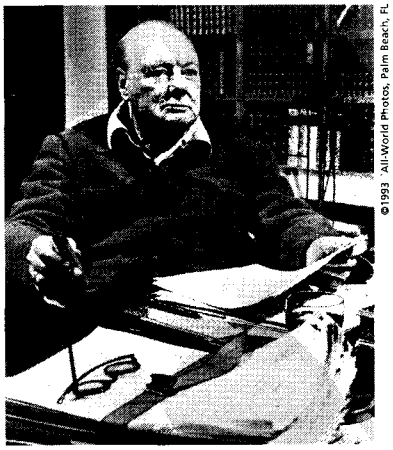
Chi An and Steven Mosher, however, fudge the moral issue. Having first justified her participation in abortions because she believed China could not prosper unless the population were checked, Chi An concludes somewhat lamely after settling in the U.S. that a large population is a blessing because "the enormous wealth of the United States was created by individuals, not by the government."

Obviously, forced abortion is cruel and inhuman under any circumstances. Nonetheless, excessive population in China has invariably resulted in declining economic progress, sometimes reversing that progress. The deleterious effect is clear. In the seventeenth century, when China was the most prosperous nation in the world, the Emperor Kang Hsi repealed the head tax: the population explosion that then began also began the centuries-long economic decline of the nation and forced millions of Chinese to emigrate.

A conviction of the consonance of large population and high production was, by no means incidentally in this context, inflexibly held by the late unlamented Chairman Mao Tse-tung. It is, I believe, held chiefly by unreconstructed Marxists and Adam Smithist disciples today. Both those groups believe that human ingenuity and human industry can feed a virtually unlimited number of human beings; they may point to the increased productivity of agriculture in, say, the U.S. and India to prove their point. Hardly more than did Mao do they consider the effects exerted by an enormous population on culture or the individual's nervous system.

The question of economic development, too, is a little more complex. America's wealth was produced not only—and not primarily—by the sheer number of Americans, which was, incidentally, never that high until the mass immigration of the later nineteenth and early twentieth centuries. The multifarious resources of the land and its sheer extent, as well as much investment from abroad, were probably the major factors.

Now, population tends to level off, even to sink, with industrialization, as workers find other diversions and other ways to secure satisfaction with



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their increased incomes. The Chinese, as always impatient, believe that limiting population will induce industrialization, while overpopulation will keep China poor and undeveloped.

Since the process is still very much underway and, further, may never come to fruition, no one can say whether they are right. Nonetheless, the campaign betrays the continuing Maoist cast of the current leadership's thinking.

Mao Tse-tung believed he could create reality by forcing the formal conditions pertaining to that reality upon the infinitely malleable Chinese people. He contemplated with delight the paradise of pure Communism predicted by Marx and Engels when all men and women lived in communal harmony, countryside and city were indistinguishable, brain workers and hand workers were the same, all men and all women contributed to the limits of their ability and were rewarded to the limits of their needs, and universal peace prevailed in the absence of economic conflict.

He thereupon decreed that all Chinese would live together in Great People's Communes, which were both agricultural and industrial producers, where intellectuals and peasants were the same, and where children were raised communally, the nuclear family, which induced selfishness, having ceased to exist.

By creating the social conditions pure Communism was supposed to create, he believed he could create pure Communism without the tedium of going through the stages of economic development Marx had believed necessary before the stage of pure Communism was reached. With the creation of the People's Communes, strife increased and the coercive arms of the state—notably the military—were very busy until they had enforced an uneasy peace.

It is clear that population control alone will not bring prosperity to China. It is unclear whether further expansion of a population that is now close to 1.2 billion can be severely limited by coercion such as Chi An describes. It is clear, though, that such tactics will never lead to peace—and probably not to prosperity. A resentful, suspicious, oppressed populace can never live in harmony with a regime that uses such barbaric tactics. □

Minority Rules

STEVEN MARKMAN

WHAT IS most remarkable about this book—a collection of scholarly writings by the woman nominated and un-nominated last year by President Clinton to be his chief civil-rights enforcer—is not its preference for group voting rights over individual voting rights, its rejection of geographically based legislative representation for race-based representation, its assertion that minorities are entitled to proportionate legislative as well as electoral results, or even its general lack of comfort with majority rule as an organizing principle of society. Rather, it is that these writings purport to set forth an interpretation of a statute enacted by the Congress of the United States. Miss Guinier's approach has been "mandated by the Congress."

The Tyranny of the Majority, by Lani Guinier (Free Press, 320 pp., $22.95)

In adopting the 1982 amendments to the Voting Rights Act, members of Congress gave little thought to high questions of political philosophy and democratic legitimacy. Most perceived that they were doing little more than extending the life of a civil-rights statute that had dismantled unfair barriers in the South against black citizens to the registration and voting processes.

What emerged, however, from a compromise between civil-rights litigators, including Miss Guinier, and Republicans, including principally Senator Dole, was legislation that transformed the Voting Rights Act and is now transforming the notion of political community in the United States. The new Voting Rights Act was the first civil-rights law to expressly provide for a "protected class" of American citizens, the first to endorse the idea that civil rights were grounded in group rather than individual entitlements, the first explicitly to focus upon equality of results rather than upon fairness of process, and the first in which coherent legal standards were replaced by a standardless weighing of the "totality of circumstances" by the federal judiciary.

It is precisely this lack of standards that enables Miss Guinier, a leading voting-rights litigator, to argue, as she does here, that the VRA's generalities about the "equal opportunity to participate in the electoral process and to elect representatives of choice" cannot be fully realized short of her political prescriptions. She is correct that there is no "core value" in the Act, only an irreconcilable tension between equality of opportunity and equality of results. The VRA as amended is not a law as traditionally understood; rather, it is a political platform.

To understand Miss Guinier's interpretation of Congress's handiwork, one must understand the stages of development of the Voting Rights Act. From its original enactment in 1965 until its amendment in 1982, the Act was focused upon actual barriers to the physical exercise of the franchise—questionable literacy tests, unequally situated polling places, and registration hours that varied by neighborhoods.

Following enactment of the 1982 amendments, the Act's focus initially shifted to electoral mechanisms, such as at-large systems of voting and multi-member districts, which were sometimes designed for the purpose (and often had the effect) of denying even substantial minority communities the opportunity to elect their preferred representatives to city councils and county commissions. Voting-rights litigators successfully argued

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that such mechanisms "diluted" the collective impact of the black vote.

More recently, the emphasis of voting-rights litigators has shifted again, this time to state districting plans that fail to guarantee black voters proportional representation in terms of the number of "majority minority" districts. While such proportional representation is expressly rejected by the law, the Act's emphasis upon results has made it inevitable that many courts have looked to proportional-representation levels as a starting "benchmark" for analysis.

Miss Guinier would have voting-rights litigators move toward the next logical stage of strategy. From what she characterizes as a "black nationalist" perspective, she identifies two principal shortcomings with current approaches to the Voting Rights Act. First, she argues that proportional electoral power should not be viewed as the ultimate focus of the Act. Rather, it should be proportional legislative power. "Effective representation is not just the process of re-election; it is the policy-centered process of *governing responsibility*." She finds it paradoxical that "by winning, blacks ultimately lose . . . as soon as they achieve one electoral success, the focus of the discrimination shifts to the legislative arena," where Miss Guinier makes clear black representatives face "majority tyranny" everywhere.

Characterizing black political interests as principally "redistributive," Miss Guinier's "remedial paradigm" holds that the Voting Rights Act should be understood to apply to internal legislative processes and decision-making norms as well as to the electoral process itself. That is, that the Department of Justice and the federal judiciary should be further empowered to review or "pre-clear" these matters and determine which are conducive to an "equal opportunity to participate" by blacks. Those which are not would be voided under the Voting Rights Act.

Miss Guinier provides no detail on how all of this would be achieved but does write tantalizingly about weighted voting of white and black representatives, mandatory rotation of representatives in office, racial minority vetoes ("jury deliberation model"), and the discouragment of legislatures voting up and down on individual measures as opposed to aggregating them together so that measures important to majorities and minorities can be linked. A vision emerges of "equal protection of the laws" as legislative back-scratching and $1.5-trillion continuing appropriation bills.

While Miss Guinier argues that every group has a "right to have its interests satisfied a fair proportion of the time," she assures the reader that she is interested in process, not in the specific outcome of public-policy debates. However, the defeat of elements of the black political agenda in state legislative bodies is already regularly viewed by voting-rights litigators (including Miss Guinier) as evidence of a lack of responsiveness to black interests and justification for racially gerrymandered districting plans. Indeed, Miss Guinier argues here that "prejudice could be inferred from the presence of a majoritarian bloc that consistently exercises disproportionate power to exclude dissenting viewpoints associated with economically disadvantaged, socially isolated, and physically or culturally identifiable numerical minorities."

Within six months of a federal judge adopting her "proportional power" theories, Miss Guinier doubtless would be writing erudite articles in Ivy League law journals about how budget-cutting efforts in Michigan or welfare reform in Wisconsin or school-choice plans in Illinois constitute circumstantial evidence of discriminatory legislative processes in those states, warranting federal judicial intervention.

Miss Guinier, rather than being uninterested in the outcomes of public-policy debates, is preoccupied by them. Her political philosophy is a result-oriented one, aimed at enhancing the political influence of "authentic" black interests, not the kind of "diluted" black interests which she views as emerging whenever minority groups have to take part in political coalitions. Although a decade ago she opposed at-large districts as detrimental to black interests, the theory she sets forth in this book urges their restoration for the same reason. Although she clearly prefers judicial review to majority rule, she also believes that where the judiciary is controlled by "political renegades," i.e., Reagan-appointed judges, term limits should be placed upon the judiciary.

Miss Guinier identifies as the second shortcoming of current voting-rights strategy its failure to confront

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directly the geographical basis of current legislative representation plans. She would prefer to base representation on interest (racial) group lines through a system of cumulative voting in which votes are cast along at-large lines and each voter is allowed to cast the same number of votes as there are positions to be elected. Voters could cast them all for a few candidates (as Miss Guinier presumes blacks would do for black candidates) or else disperse them among a larger number of candidates.

Although Miss Guinier does not quite put it in these terms, such a system would be a far more efficient way of achieving permanent proportional representation for blacks than the present system which involves messy fights over racially gerrymandered districts and in which proportional representation is still difficult to achieve because there are blacks who go unrepresented (by other blacks) because they live outside areas from which single-member "majority minority" districts can be patched together. Instead, voting-rights litigators today must (and do) resort to arguments for "majority minority" districts in *excess of* proportional representation in areas of black population in order to "compensate" for black voters who live outside of these areas and must accept the "virtual representation" of white representatives.

In his foreword, Yale Law Professor Stephen Carter describes as "fantasy" the idea that there is any national interest left among Americans, as opposed to merely an aggregation of self-interests. In this "vision . . . which has nothing to do with today's America . . . we are united in a common enterprise and governed by common consent . . . we are people of good will, aiming at a fairer society which we will achieve through the actions of our essentially fair institutions." Lani Guinier is an able and articulate spokesman for those who agree with Professor Carter that this vision of America is a "fantasy." □

MUSEUMS

Genocide near the Mall

HADLEY ARKES

THE CERTIFICATE, from an institute in Vienna, was stamped February 2, 1939. It certified that my wife's parents were now in a condition to leave Austria because they had been retrained as "domestic servants." My father-in-law, Leopold Sonn, had been the comptroller of a textile firm spread through the old Austro-Hungarian Empire. His wife, Theresa, had come from a rather comfortable family, with a father in the foreign service. But the only way for them to leave Vienna, after the *Anschluss* and the Nazi takeover, was to secure jobs, strikingly out of character for them, as a butler and maid at an English country house in Surrey.

We came across that certificate last summer as we were sorting through some of the papers we had still not managed to scan in the years since their deaths. In the same collection we found the notice that my father-in-law had received in 1947, confirming officially that his mother had died in the camp at Theresienstadt.

My wife had steadily resisted the temptation to visit the new Holocaust Museum in Washington, D.C., and with the same aversion she has held back from seeing the movie *Schindler's List*. For her, the experience promised to revive stories from her childhood that were already vivid enough. Beyond that, she had reservations about the very idea of making the Holocaust a kind of public entertainment for people who do not bear the remotest relation to its events.

Still another who had held back so far from the museum was a friend who happens to be one of the most distinguished architects in America, a Jewish émigré from South Africa. He had himself designed a memorial to the victims of the Holocaust. But about the museum in Washington he had his own reservations. He did not think that this memorial belonged on the Mall, in the complex containing the Capitol, the Washington Monument, and the Lincoln Memorial. (In fact, the musuem sits just a bit off the Mall.) The design of the Capitol was meant to represent the principles of the American regime, but the Holocaust did not spring from anything American. It was the Europeans, he thought, who needed the moral teaching. But would Europeans pack the museum in the way that Americans are now packing this one, in numbers so thick that tickets must be arranged in advance? Even while the crowd is dense, the gatherers remain polite, reflective, remarkably patient, as they advance through a series of displays that require about three hours for their viewing.

But I pressed my friend the architect, who was pleased to put aside his reservations and join me. By the design of the building, on 14th Street south of Independence Avenue, we were evidently meant to have our eyes drawn to the architecture itself. There is a mingling of rough red brick with steel plates and girders, meant to suggest the stark, plain structures of the camps. Of course, the sensitivities of the architect were engaged at once.

The plates are often fastened by cross-bars with the most precise connection to make a fastidious, aesthetic statement. There are other features even more refined: rectangles of glass, altered with slight discrepancies, so that they produce a glass wall curving to fit the form of a parabola. The Nazis never produced anything of this kind. In the design of barracks, or foot bridges, or towers, their constructions were minimal and functional to the point of rudeness. The architect argued then that the building does not really recall the camps, but rather offers gestures drawn from the inventory of modernist architecture. In that way, he thought, the building draws an indecorous attention to itself. And yet, it must be said of the Holocaust Museum that when we cast our eyes away from the exhibits, to the walls and corridors—with their metal girders and their muted reminders of the camps—we are quickly drawn back to the one insistent subject of this building.

The museum evidently meant to convey some principal themes, and some facts of surpassing importance, to a public that seems to become, each year, more infirm in its command of historical facts. And what it puts before us, on this level, may be riveting

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and primary. It works through the simple device of collecting in one place the documentary record. Nothing may be more characteristic then of the building than those words of General Eisenhower, mounted on a tablet at the beginning of the exhibit:

> The things I saw beggar description. . . . I made the visit deliberately, in order to be in a position to give firsthand evidence of these things if ever, in the future, there develops a tendency to charge these allegations to propaganda.

The museum makes its record, in part, by offering familiar frames, or scenes, recalling the horror: men and women about to be executed; workers collecting skeletal corpses. But by relying on what most of us already know, it can deliver powerful moments in rather modest displays. We suddenly find, for example, a large bin filled with old shoes, from fifty years ago, and we realize what it is, without the need to read a tablet. Still, a tablet recalls the words of a poet, pointing up the irony of the Nazis in saving such things as shoes. In this display, one can grasp the deep Godlessness of the Nazis, in the objects—the shoes and gold fillings—that they regarded as the real "durables" in life.

In another room, we encountered the display we found the most moving of all: a small enclosure, stretching up two floors, and covered simply with personal photos—families on picnics, patriarchs with skullcaps, a father and mother with their giggling teenage daughters—photos filling the room, representing virtually all of the 3,500 Jewish residents of a shtetl, Ejszyszki, near Vilna. This is the record of those people who were blotted out, in all their singularity, when the Nazis destroyed, in one sweep, the entire Jewish population of the village.

The museum does its distinctive work by concentrating some of the facts, easily lost, that make up the full weave or pattern of this story. Even those who have studied the history of the period will find something novel and illuminating as a record of facts begins to scroll up a screen, marking a train of anti-Jewish measures, in incremental steps, at intervals of one month or two, from 1933 to 1939: Jews barred from staying overnight in hospitals; Jews barred from using carrier pigeons (as a form of communication); Jewish gynecologists barred from treating Aryan women; and of course Jews barred from mingling their genes by marrying outside their race or having sexual intercourse with Aryans. When the materials are brought together in this way, only the dimmest of wit could fail to see the end to which all of this was tending.

The Jews were not slow in drawing inferences. Nor were they timid in resisting, in Warsaw and Vilna, and they would contribute, beyond their portion, in every country in Europe where there was a resistance to the Nazis. This part of the record, too, is brought back in detail by the museum.

And in one of the most stirring parts of the story, that record is brought out for the "righteous gentiles." Everyone may remember the resistance of the Danes, but it is easier to forget the Bulgarians: there was the league of Bulgarian lawyers and writers, staging public meetings and protests against the deportation of the Bulgarian Jews; and there was the Greek Orthodox archbishop, putting the weight of his office behind this resistance. And then there was Bishop Chysostomos of the Greek island of Zante. Asked by the Germans, in 1944, to supply a list of all the Jews on his island, he submitted a list containing only his own name.

The names of some of these figures are collected, in a kind of honor roll of rescuers, arranged by their countries. As one moves along the wall, toward the middle of Europe, and the occasional photos, one comes across a picture of Oskar Schindler. He has a rough, unfinished look; he might be a Polish or Slovakian foreman in a factory, a man who did not find his usual habitat in a suit, but now posing in a suit for a picture at the company dinner. Not exactly prepossessing. No bookish man, not one whose face offers suggestion that he is given to deep pondering, or for that matter that he gives over any substantial part of his day to what may be described as his moral reflexes. And yet from his position as the owner of a factory he was able to save about a thousand Jews, and that is the story now celebrated in Steven Spielberg's film. Schindler had the wit to see what had to be done, the will to do it at the moment when it had to be done, and the moxie to induce the assent of the Nazis looking on.

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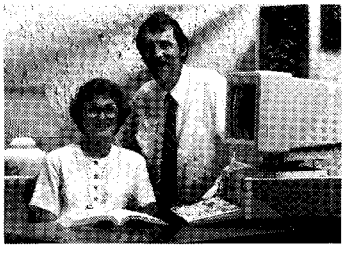

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because rescuers such as Schindler performed their extraordinary acts and then receded into their private lives. Their acts of heroism seemed to be utterly detached from any craving for public recognition. But these acts were especially precious because they were so rare. The further mystery is just why European civilization could not have drawn on deeper moral resources and brought forth more than several thousand resisters.

The move to establish memorials to the Holocaust seems to be attended by the conviction that "this kind of thing," this experience of genocide, "should not be allowed to happen again." And yet, even people with high sensitivities have not been quick to recognize "the same thing," or something chillingly reminiscent of it, when it has happened in other places to more exotic peoples. The slaughter of the Biafrans, or the annihilation of two million Cambodians—and even the recent bloodbath in Bosnia—have not produced a constituency to supply military interventions. There has also been a curious inattentiveness to the lessons of the Holocaust in our discussions of domestic law. Are there no echoes to be heard in the recent surge of interest in "euthanasia," in the withdrawal of food and water from patients who do not display what is called a proper "quality of life"?

Oskar Schindler was presented, by his grateful workers, with a ring bearing an inscription from the Talmud: "He who saves one life, saves the world." Is there any question of the way in which that sentiment applies with more directness or evident force than to the matter of abortion? There, a woman is given the "choice" to kill or to save a life within her reach. And we know that, by saving the life of that child, she is saving the world for that child: the world that contains music and poetry, law and religion. On the other side, there is the danger of absorbing the premises of euthanasia and abortion: that we may kill when it suits our interests, to remove beings who are "unwanted" or burdensome; that we can pretend we are not killing human beings if we simply declare that the victims are something less than human. One could say here what Leo Strauss was moved to say, in another connection, about the strange fascination of Americans for the doctrines of moral relativism cast up in German philosophy: It would not be the first time that a nation defeated in war succeeded in "imposing on [the victors] the yoke of its own thought."

Leaving the museum, I recalled those moments, as a child, when I would leave a scary movie on a Saturday afternoon, and feel reassured to emerge from the dark theater into the sunlight. In the same way, people departing the museum may be reassured that they are entering again a society removed from the scenes they have just reviewed. When they make their way back to Independence Avenue and glance around them at the monuments, I suspect that their sense of deliverance will be deepened. For what they see is the architecture, cast in classical form, representing principles of political life running back to the ancients, and the institutions that have been built on those principles. Those institutions were there when Washington organized for the war against Hitler, and those institutions held against the sweep of the Red Army after the war. They were there when the Berlin Wall came down and the Soviet empire finally collapsed.

The people who leave the Holocaust Museum and see these symbols cast in stone may be drawn once again to the fact that they were sheltered from the Holocaust by the institutions marked by these buildings. The thousand Jews saved by Oskar Schindler have now begotten six thousand descendants. They, and I, and my family, and our first, new grandchild, are alive today only because people in this country were willing to pay a price in blood. An earlier generation, much wiser than our own, gave us these institutions and wrought better than they knew. The project made sense only with a certain faith that these institutions would shape a people fit to receive them, or at least a people grateful enough for what they have been given that they might be willing to pay the price anew. But that price might not have to be payed in blood; the gift may be repayed through those small acts of heroism and generosity in everyday life, where people put aside their interests for the sake of others, and they signify powerfully that a choice has been made for life over death. □

FILM

In Your Face TV, Popcorn Pictures

JOHN SIMON

THIS movie about life and love among recent college grads, ***Reality Bites***, is moderately frightening. If this is what today's young are like, that is not good; if not—because the young people who wrote, directed, and acted in the movie cannot even tell their own story—that is worse yet. This is the account of the first post-graduate year of four happy beer-guzzlers in Houston, as written by 23-year-old Helen Childress, who has a small part in it, and directed by Ben Stiller, a young comedian (and son of the comedians Stiller and Meara), who has a big part in it. Its principal couple is played by Winona Ryder and Ethan Hawke, two of our classier young actors. The film is both false and true: its stated truths are superficial and simplistic, but its unintentional revelations are depressingly plausible.

Mr. Simon is NR*'s film critic.*

Lelaina Pierce, the valedictorian of her class, has been making a documentary about herself and her friends: Troy Dyer, the sensitive hunk, a musician who quotes poetry, but could as easily be a jock; Vickie Miner, the tough little broad, who keeps track in her notebook of the guys she sleeps with, but can't remember the name of Number 66 whom she wakes up next to; and Sammy Gray, a likable nerd who is possibly Jewish and definitely homosexual, but doesn't get any of the good lines—which already doesn't ring true.

One of the gimmicks here is the intercutting of the film with sequences from Lelaina's documentary, shown in the slightly deliquescent way movies represent images on a VCR. The film begins with such a sequence: Lelaina, in academic garb, reaching her valedictorian peroration, wherein she raises questions about the future, only to notice she has got her notes scram-

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bled. "And the answer is," she announces, but cannot find the right sheet despite all her anxious rifflings and reshufflings. So she concludes: "The answer is . . . I don't know," and gets enthusiastic applause.

This is cheating, right off the bat. Could this bright valedictorian not know her own answer? In that case, she is an idiot. Or was the answer really "I don't know," in which case, why the frantic hunt for the right page? For the sake of a gag, out goes any semblance of truth. Again, Lelaina is making the documentary: she is handling the very camera that records her own oration. In many later scenes her body is likewise in two places simultaneously, clearly in defiance of the laws of physics.

Some attention is paid to Lelaina's relations with her parents, she being the author's alter ego; we learn nothing about the other young people's backgrounds, except that Troy's always offscreen father is dying of prostate cancer. This information reaches us in the form of a gag, even as the father's subsequent death provides the love story with a convenient plot twist, and allows Troy to shave off his unflattering mustache. About Vickie's and Sammy's family histories, zilch; we are in the realm of farce. But farce has no business veering into treacly sentiment whenever it happens to suit the filmmakers' whims.

In *Reality Bites*, "bites" can be either a verb or a noun with its several meanings, most appropriately the MTV one, MTV being what the movie most resembles—this despite the fact that it makes fun of MTV in the shape of the In Your Face Network, at which it takes a few pokes so mild that it was actually promoted on MTV. Similarly, it makes a few digs at TV's *Melrose Place*, only to retract them forthwith: "*Melrose Place* is really a good show." Lelaina says of her movie: "I kind of made a promise to myself that I wouldn't think where it was going to end up. I didn't want to unintentionally commercialize it." No danger of *Reality Bites* falling into that trap; *intentional* commercialization is what it thrives on.

There is humor here, but of the most facile and noncommittal sort. Much of it is brand-name: getting the posters, products, movies, TV shows, and lingo of these young people right, so that young viewers can recognize themselves in this ambiance and mistake mirror images for insight, replication for wit. Older viewers, on the other hand, may laugh out of smugness and condescension, but superiority this easily earned is of an inferior grade.

There remains the tempo, the energy, and, occasionally, the dialogue. When Troy is fired for petty shoplifting at his workplace, Lelaina explains, "Somehow he can rationalize it—like the establishment owes him Snickers." Michael Grates, the yuppie who works for In Your Face (and is played by Mr. Stiller), is "the reason why Cliff Notes were invented." Troy is "a master of the art of time suckage." But then sweet Lelaina isn't above psychobabble herself: "I can't handle this right now. I can't involve." Or take this plaint of the self-pitying Vickie: "I've been sitting here totally alone, probably dying of AIDS."

Most remarkable about the movie is how much, for all its hip, supposedly with-it quality, it relies on the hoariest clichés of Hollywood plotting and characterization. Troy and Lelaina are no different from the older, old-time movie lovers who did everything to louse each other up until the final clinch. Michael, with whom Lelaina has a loveless affair, is really the Ralph Bellamy character who must lose the girl in the end; Vickie, the smart-ass, tough-talking girlfriend, is Eve Arden pushed down in age, like the rest of them. Lelaina's sensitive documentary, bought and destroyed by the evil network, is the concerto John Garfield used to compose, or the fine skyscraper Gary Cooper intended to build, invariably co-opted. There are no surprises, except when Troy briefly shows up with another, rather homely girl—who turns out to be the screenwriter in a cameo role, the sort of thing Ann Beattie and other older screenwriting folk have done.

At one point Troy (not Sammy, from whom it would make sense) quotes the poem "Marriage," from Gregory Corso's collection *The Happy Birthday of Death*; Lelaina allows as how she didn't get that far with her studies. Neither did the people who made this movie: the final titles credit *Happy Birthday to Death* by one Gregory Curso. Call that the cursory approach, both as portrayed in the movie and displayed by the moviemakers. Michael can't think of the word for "jester"; he and the others make a shambles of recalling one of the most obvious bits from *Hamlet*; Lelaina loses a couple of potential jobs because she can't define irony or, on three tries, add 85 and 45 in her head. The screenplay of *Reality Bites* doesn't add up to much either. And the best acting comes from the much older John Mahoney as a smarmily inept talk-show host; but even here *Reality Bites* cannot match reality's Charlie Rose.

■ James L. Brooks, the master of snappy spoofs (*Broadcast News*) and sappy sogginess (*Terms of Endearment*), is back with ***I'll Do Anything***, and I believe him. This is yet another of those toothless satires on Hollywood such as *The Player*, whose preposterousness hits us right off. Matt Hobbs (Nick Nolte) is a fine actor who is just too good for Tinseltown and can't get work; so why doesn't he go back to his native New York and the theater? His divorced wife (Tracey Ullman) lands in jail, and suddenly he is stuck with their bratty six-year-old daughter, Jeannie. I don't believe in spanking, but Jeannie, especially as enacted by the charmless Whittni Wright, would

[*Hillary not included.]

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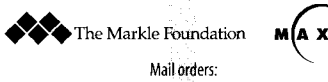

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have driven Gandhi to take up a paddle—perhaps also against the parents who named a daughter Whittni.

Matt accidentally meets Cathy Breslow, a beautiful movie executive (Joely Richardson, another of Vanessa Redgrave's offspring), who dreams of something really noble and daring: a remake of *Mr. Deeds Goes to Town*. She thinks of casting Matt in the lead; in the meantime, she gets him a job as chauffeur to her boss, the hysterical and egomaniacal head of Popcorn Pictures, Burke Adler (Albert Brooks). Burke is having an affair with Nan Mulhanney (Julie Kavner), his audience-opinion researcher. Bear in mind that this film, first shot as a musical, failed the preview audience test, and was reshot straight.

Matt is having a hellish time with Jeannie, whose demands would do a satrap proud, but neither this nor her becoming a moppet TV actress (and James Brooks's digs at his favorite target, TV) is very funny. Better is the phone-call-crossed attempt at a session in bed between Matt and Cathy; also some funny business with the audience polls. Albert Brooks gets some amusing lines and situations, and I like Nan's reason for veracity—it's that the galaxy of drugs she is taking inadvertently combines into a truth serum. But Jeannie's growing affection for her father merely recycles James Brooks's sappy-soggy mode, whose side effect is an untruth serum.

The incident on which everything hinges, Cathy's betrayal of Matt, rings especially untrue, although Joely Richardson is an actress to watch. Nick Nolte conveys befuddlement well; however, it seems to come a little too naturally to him. Julie Kavner and Tracey Ullman do their usual tricks, but Albert is the drollest of babbling Brookses, much funnier than James, to whom he is obviously no relation. The press kit informs us that the film examines the principals' ways of dealing with life, love, and work in a Hollywood "where just being decent is a full-time job." No wonder there's no time left over for making the movies decent, too. □

DELECTATIONS

Mountains in Green and White

LINDA BRIDGES

A SHORT item in the obituary columns the other day must have raised puzzled frowns on the foreheads of some New England skiers: it said that Perry H. Merrill had died at the age of 99. The skiers knew they knew that name, but from where?

Perry Merrill had been, in his younger days, Vermont State Forester—not a position whose holders' names are usually household words. But the ski trail named after him on Stowe's Mt. Mansfield has been the scene of triumphs and follies for countless skiers in the thirty years since it was cut, making it an appropriate memorial for a man who played a central role in the way Alpine sports developed in northern Vermont.

As in the Alps themselves, hiking and climbing came first, skiing afterward. The great English mountaineer Edward Whymper had, with the help of local guides, conquered the Matterhorn in the 1860s, and English walking parties had been tramping over the lower slopes of the Alps at least as far back as Wordsworth's youth; but it was not until the very end of the nineteenth century that Henry Lunn, in his capacity as high-class tour operator, decided to get year-round use out of his hotel arrangements by popularizing the sport of skiing, until then largely confined to its native Norway and Sweden. (Henry's son Arnold later etched the Lunn name in Swiss history by inventing the slalom.) Similarly in Vermont, the first recorded hike on Mt. Mansfield took place in 1818, the first recorded ski run not till nearly a hundred years later, in 1902. And the first major lift up the mountain, the Mt. Mansfield Single Chair, was established so much later (in 1940) that one can still meet people like the man I shared a cable-car ride with recently, who had been skiing there five years before the Mansfield Single was put in. "Wow!" said a teenaged boy in the car. "It must have been great then!"

"Better now," said the man. "In those days I could only ski two runs a day. I've already skied eight runs this morning." (And this was at 10 A.M.)

For those who *want* to do it the hard way, nothing is stopping them. Some people still fasten skins to the bottoms of their skis for traction and set off up Stowe's Toll Road. (This road, originally cut to take horse-drawn vehicles up the mountain and now used for automobiles in the summer, is a popular novice ski trail in the winter.) But more common—at Stowe as at Cortina d'Ampezzo or Gstaad—is for ski mountaineers to ride the lift as high as it goes, and then walk up higher still and around the back of the mountain—covering, in fact, the same terrain that many of them hiked the previous summer.

Some off-*piste* skiers use the Telemark style, in which the skier's heels are free, as in cross-country skiing, and he turns in a series of swooping genuflections. Articles have appeared in various publications recently extolling the virtues of this Telemark turn, and giving the impression that it is somehow *philosophically* different from the parallel Christie of the modern downhill skier. Not so. While back-country skiers in the Rockies may favor Telemark skis, equally off-the-beaten-path skiers in the Alps favor mountaineering skis, whose rear bindings can be freed for uphill or flat stretches, and then fastened for Christies or jump turns on the downhill stretches. As for the origins of the turns, the Telemark was indeed, as all these articles mention, invented (or perfected) by Sondre Norheim, who lived in the Telemark region of Norway. But, as Peter Lunn (son of Arnold) points out in his wonderful *Guinness Book of Skiing*, Norheim also invented the parallel Christie, although it was named after Christiania (as Oslo was then called), a couple of mountain ridges away from Telemark. (I take a sort of proprietary interest in Norheim, since my great-grandfather Saave Brekke and his brothers were Norheim's friends and ski makers.)

In summer, no skis, whether Telemark or downhill, are needed, except on the glaciers at places like Zermatt and Chamonix, where there is skiing roughly 11 months of the year. But many of the ski lifts still run, offering the unathletic a round-trip excursion

Miss Bridges is NR*'s managing editor.*

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and also, as Taki has mentioned in these pages, letting the more strenuous walk up and then ride back down, saving their knees. Alas, this is more true of the Alps than of Vermont, where the hiking-trail system started by Perry Merrill in the 1920s and '30s tends to be on the back of the mountains. But as Mt. Mansfield hikers pause at the summit, munching our cheese and crackers and waiting for the mud from the Laura Cowles trail to dry on our boots, we might raise a glass to Perry Merrill and all the others who helped us get here. □

BOOKS IN BRIEF

Brazil, by John Updike (Knopf, 260 pp., $23)

JOHN UPDIKE has abandoned the staid suburbs of New England for the kaleidoscopic colors of Brazil in this contemporary retelling of the Tristan and Isolde myth, making a story that strains credulity and entertains steadily. The black Tristão spies the white Isabel on the Copacabana; he is a young thief living in a shanty with his extended family of illegitimates, she the sultry daughter of a high and rich government official with a desire for the world outside her pampered confines of high-rise apartments and exclusive convent schools. If you know the myth, you can predict how their affair will end; getting there is something else. Spiced with the expected fare of vivid, anatomically correct descriptions of varied sexual acts is a bizarre excursion into South American–style magical realism. Mr. Updike handles the form skillfully, with the deceptively simple voice of fable. Readers may be irked by the obviousness to which they are continually returned by the characters' names. But this is not a crippling drawback in a book written by a man whose imagination remains fertile and whose prose retains grace and bounce.

—TRACY LEE SIMMONS

Bill Russell's American Music, edited by Mike Hazeldine (Jazzology Press, 200 pp. with a CD sampler, $39.95)

BILL RUSSELL (1905–92) was an aspiring avant-garde composer when he heard the sounds of a Jelly Roll Morton record spilling out onto Broadway in 1928. He abandoned "serious" music more or less on the spot, and spent the rest of his life single-mindedly documenting and recording New Orleans jazz. His finest recordings (of Bunk Johnson, George Lewis, Jim Robinson, Baby Dodds, et al.), made in old wooden dance halls during World War II, were issued on his own obscure American Music label. The records had tiny press runs, but enormous influence. Finally, in 1990, they were released on CDs (see *NR*'s cover story, July 8, 1991). Russell also kept a detailed, two-thousand-page diary of his activities in the 1940s, and the main text of this valuable work is excerpted from these unpublished diaries. The book also includes many photographs, memorabilia, a detailed discography, and a CD sampler covering the main sessions recorded by Russell. For those who love his beautifully evocative old recordings, this book is an indispensable accompaniment. Like Russell's original recordings, it will not be available in stores, but may be obtained from the publisher at 1206 Decatur Street, New Orleans, La., 70116.

—TOM BETHELL

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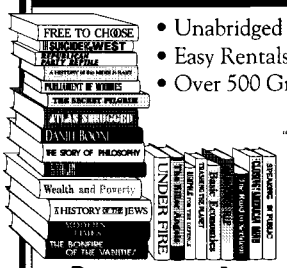

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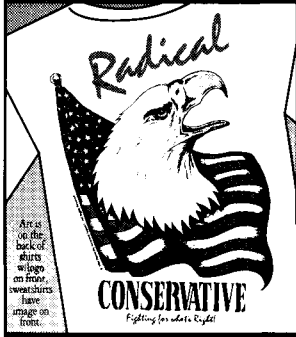

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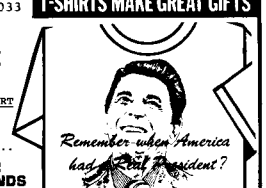

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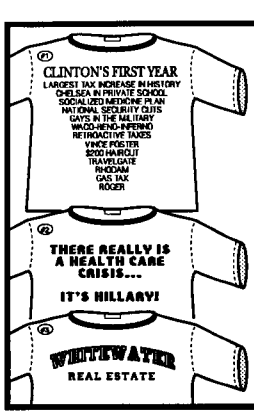

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LETTERS

(Continued from page 4)

main themes of his teachings, and find in that teaching something notably diminished and depraved. —HA

It's Federal Spending, Stupid

Vin Weber's critique of Paul Simon's balanced-budget amendment and his call for pro-growth policies are exactly correct ["On the Scene," Feb. 7]. Most Republicans will support Senator Simon's version of the amendment only reluctantly, on the theory that it will be politically more difficult to raise taxes than to limit spending to comply. It's a risky strategy, as Mr. Weber noted.

A better alternative mentioned in Mr. Weber's column is a federal-spending limit. The House will soon have an opportunity to vote on such a proposal. The Balanced Budged/Spending Limitation Amendment limits spending to 19 per cent of GNP, the modern historical level of federal revenues collection. In addition to ensuring a balanced budget without raising taxes, it would encourage the implementation of other pro-growth policies precisely by "indexing" federal spending to economic growth.

Jon Kyl
Member of Congress
Washington, D.C.

TAYLOR

(Continued from page 29)

possible to ensure the conference committee will have a wide range of choices in crafting the final legislation. The outlines of a bidding war already are visible: GOP plans for portability are met with White House demands for a guarantee of guaranteed coverage, which liberals criticize as meaningless without affordability. Even if the more expansive scheme is beaten back, the notion that the solution lies in more government will be etched in stone.

Confusion on how to respond to calls for a larger government role in the delivery of health care is nothing new. Republicans have been uneasy on this terrain since Senator Harris Wofford's (D., Pa.) surprise win over former Bush Attorney General Dick Thornburgh in 1991. Thornburgh advisors initially dismissed Wofford's emphasis on national health care as a "flimsy issue," but closed the Wofford lead rapidly in the final weeks by asking hard questions about the idea. At an election post mortem, Wofford's chief strategist Carville said he was surprised it took so long for the aggressive approach to be taken.

Senator Phil Gramm (R., Tex.), who as Senate campaign-committee chairman was held responsible for the Thornburgh debacle by many, seems to carry with him the lesson that grandiose promises about health care must be shot out of the water as welfare-state pipe dreams, not trimmed at the edges. Gramm's initiatives, introduced in January, do not promise universal coverage. As a result, Gramm was not invited to the White House get-together. That should underscore the fact that Bill Clinton is willing to accept any plan that promises universal coverage.

Having evidently resolved to give Clinton what he desperately wants as their opening position, Republicans might want to consider what they get in return. Credit for helping to bring "health security" to all Americans or blame for playing midwife to an opening-ended entitlement that worms its way between doctors and patients? History will be the final judge, but a prominent place at a signing ceremony does not seem to be a fair trade for putting federal bureaucrats in charge of the nation's health care. □

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TRANS-O-GRAM / Kem Putney

1 R	2 C	3 T	4 B	5 H	6 I	7 O	8 A	9 L	10 G		11 P	12 K	13 F		14 T	15 D	16 A	17 U	18 C	19 E
20 E	21 J		22 H	23 O	24 R	25 M		26 V	27 K	28 D		29 G	30 W	31 L	32 F		33 E	34 J		35 C
36 C	37 S	38 N	39 Q		40 A	41 E	42 L	43 K		44 F	45 B	46 C	47 H	48 M	49 T	50 I	51 O		52 E	53 A
54 P	55 G		56 N	57 R	58 T		59 V	60 D	61 L	62 F	63 C	64 I	65 M	66 U		67 A	68 B	69 K		70 T
71 E	72 W		73 C	74 B	75 N	76 Q		77 F	78 O	79 U	80 M	81 E	82 L	83 N	84 H	85 U	86 K	87 B	88 R	89 J
	90 P	91 A		92 F	93 S	94 J	95 O	96 B	97 I	98 C		99 F	100H	101A	102B	103E	104M	105Q	106G	107S
	108A	109I	110D	111P	112R	113L	114T	115E	116K		117J	118T	119G	120B	121U	122C	123I		124A	125D
126T	127T	128S		129L		130H	131V	132O	133W	134D	135A		136T	137F		138I	139O	140G	141T	
142P	143H	144G	145K		146B	147W	148L	149N		150U	151G	152S		153C	154H	155N	156D	157V		158E
159C	160I	161R	162A	163P	164F	165E		166Q	167G	168S		169M	170V	171E		172M	173N	174R	175O	176Q
	177J	178U	179C	180M		181H	182D	183L	184W		185D	186G	187F	188K	189B	190I	191J	192E		

DEFINITIONS

A. Now-discredited Neanderthal predecessor (2 words)
108 8 40 162 135 53 67 101 16 124 / 91

B. Gains
68 102 158 45 87 189 19 146 96 74 / 120 4

C. Without consideration
179 63 122 159 98 36 153 18 2 73 / 46

D. Like a certain stepchild
60 134 185 182 28 15 156 110 125

E. Sometimes the best aren't good enough
81 115 171 20 165 103 71 41 192 52

F. Swiss confections
187 44 164 77 137 92 13 62 32 99

G. Brilliantly colored bird
140 167 106 10 29 119 55 151 186 144

H. German dish
47 154 100 181 130 143 84 5 22

I. Sabotage
6 123 50 160 109 138 190 97 64

J. Familiar sights in Sarajevo
117 191 94 34 177 89 21

K. Asia Minor peoples
27 188 116 43 12 86 145 69

L. Home improvements, at times
148 113 82 129 31 183 61 9 42

M. "Public" types
169 180 25 48 65 104 172 80

N. Drive away
155 75 38 127 173 56 149 83

O. The New England area
132 78 7 95 23 175 139 51 35

P. Quest
11 90 142 111 163 33 54

Q. Law's partner
105 176 166 76 39

R. Metes
1 24 174 112 88 57 161

S. Whirlpools
152 168 128 93 37 107

T. Like Jimmy Connors or Bob Charles
118 141 14 136 70 3 49 126 114 58

U. Quick coffee?
17 178 66 150 85 79 121

V. British vessel of WWII
157 59 170 131 26

W. Hide
184 133 30 72 147

DIRECTIONS

The object of TRANS-O-GRAM is to fill in the puzzle diagram by guessing the words from their definitions, and transferring each letter of the guessed word to the correspondingly numbered square in the diagram. When the diagram is filled in it will spell out a quotation from some published work (reading normally from left to right, black boxes indicating the ends of words); also, when the words have all been filled in above, their initial letters will spell out the author and title of the quoted work. The acrostic feature, and the relative word-lengths in the diagram, will assist in the solution. Spelling and definitions on the authority of *Webster's Deluxe Unabridged Dictionary*, Second Edition.

Solution to Last Issue's Trans-O-Gram. THOMAS OLIPHANT: Hopeful: *". . . Western critics consistently underestimate the importance of the person who remains in Boris Yeltsin's cabinet—deputy premier Anatoly Chubais, who runs the effort overseeing the creation of private businesses."*

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A No-Cure Amendment?

NEW YORK, FEBRUARY 16

The quarrel over an anti-budget deficit amendment tells us how badly off we are. Both those who advocate the amendment and those who oppose it finger the depth and complexity of the problem.

Given that nobody is in favor of a deficit except in special, targetted situations in which Keynesian amphetamines are prescribed as necessary for flagging economic health why do we continue to have deficits? That really is the basic question and what it tells us is that we are not in effective political control of our own destiny. When the alcoholic, knowing very well that the stuff is killing him or mauling his health and personality, continues to drink, he needs therapeutic attention, and so voluntarily cedes his own authority to others. He gives himself up to, note carefully, somebody or something that assumes authority over him.

What the supporters of the amendment are saying is: Congress cannot control itself. Because the choreography of American politics, as ultimately played out, has created conditions that politicians cannot cope with. When the Constitution was written, it was not foreseen that the law of the land would one day permit Congress to spend as much money as it wished to, irrespective of revenues. Two of the rights enumerated by the first ten amendments (numbers nine and ten) reserved to the states and to the people powers that have long since been expropriated by Congress. That deterrent to spending, plus the Sixteenth Amendment authorizing the income tax, and concurrent acceptance of progressive rates of taxation, created a situation that manifestly can't be corrected. It is as easy to say to Congress: stop overspending, as it is to say to the alcoholic: stop drinking; and as futile. So the current fix is: An amendment to the Constitution that forbids deficit spending.

One opponent of the proposed amendment argues that it "would do nothing but give cover to politicians."

But isn't that desirable? If a politician were able to say to the incremental farmer, environmentalist, welfarist, redistributionist: What can I do? We are out of money! There is an amendment out there that makes it *unlawful* to grant your request. I am mortified!—but what can I do?

White House budget director Leon Panetta argues that the amendment "would . . . degrade the Constitution and the political process and shake the public trust in government."

One likes to think that Mr. Panetta was smiling on the inside when he said that. Because he might as well have worried that modern culture risks Madonna's virginity. But Mr. Panetta's sense of humor cannot be very secure, given that he went on to say that the amendment would "provide shelter to those who seek to avoid making tough budget decisions." But shelter is exactly what we want to provide them, isn't it?

There are weaknesses in the proposed amendment and they point up weaknesses in our system (viz., the powers of Congress to cause deficits even though they aren't created by congressionally authorized spending). What disappoints is the failure of the proposal's critics to suggest what it is that appropriately alters something that, to abuse the metaphor, is comparable to a severe addiction, something that isn't treatable by saying: "Oh. Stop smoking cigarettes."

Congressman Jon Kyl of Arizona has an idea, already co-sponsored by eighty-odd colleagues, which is to close the other door to spending simultaneously. His bill would limit spending by the Federal Government to 19 per cent of GDP. That's about what federal revenues come to, more or less constant over a generation. The deficit is the spillage caused by the difference between 19 per cent of GDP and what we actually proceed to spend. Congressman Kyl's point here is that if Congress were merely enjoined not to spend more than it taxed, it might avoid the problem by taxing more heavily. And, knowing the Congress's attraction to spending, he reminds us that if GDP is growing, so would revenues grow. If growth brought in an extra $100 billion of production, Congress could put its hands on $19 billion more to spend. In pursuit of which carrot, Mr. Kyl believes, Congress would be attracted to policies that encouraged growth.

Okay, that is certainly an improvement. But curiosity is still drawn to the central question: What do the critics propose in place of an amendment? It would be useful if the Speaker of the House and the President of the Senate were to ask any legislator who rises to speak about the amendment: Have you ever voted for a budget that exceeded reasonably anticipated revenues? If so, you are a fiscal alcoholic and need treatment. □

Scratching Away At Health

NEW YORK, FEBRUARY 9

The sour aftertaste of Mr. Clinton's pledge to veto any bill that failed to give health protection to every citizen has to do with the self-centeredness of the rhetoric. The psychiatrists use the term "grandiosity" to describe a condition among those of their patients who fancy themselves Masters of the Universe. At the clinical extreme, you will proclaim that you are Napoleon. At a lesser point, you will not rest until everyone in the world is free! Back off from that a bit and you will not sign a bill that fails to protect every man, woman, and child, provided the child has been born.

The trouble with such statements is that they are empty, empty as JFK's promise to bear any burden, etc., to defend freedom everywhere in the world. Well, we didn't bear every burden, as was established three months later when Kennedy pulled the plug on the Bay of Pigs. And who really supposes that Mr. Clinton is going to veto a health package that comes from a Democratic Congress?

The manipulations of Mr. Clinton are not attractive. Just as he claimed that only the rich have suffered from his economic reforms (is the couple who at $44,000 are now going to pay taxes on their Social Security really rich?), he plays around with the number of people he is aiming at. For almost a year we got used to the figure 37 million. But lo, Mr. Clinton speaks now of "the 58 million Americans who have no coverage at all for some time each year."

Just to work on that for a moment, Mr. Irwin Stelzer points out in *Commentary* that 1) half the uninsured have insurance again within six months; 2) only 15 per cent of those who are uninsured continue to be uninsured for more than two

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years; 3) over one-third of those who are uninsured are less than 25 years old, and for them, insurance is often a bad buy. Since the U.S. is spending $3,700 per year per person on the health of the insured already, which is 70 per cent more than is being spent on the uninsured, Americans, insured and uninsured, are for the most part getting health care. It is reasonable for the government to require every citizen to take out catastrophic insurance, and reasonable even for state governments to put up the money to insure against catastrophe anyone who can't do it on his own. But Napoleonic thinkers don't engage in such unflashy approaches.

A correspondent writes to me about his wife's cataract surgery.

"For two hours' use of outpatient surgery facilities at Piedmont Hospital [Atlanta], total bill was $2,678, paid by Medicare and secondary (Met Life). Out of pocket: zero. Annual premium for husband and wife: about $1200.

"Surgeon's fee was $1330. Out of pocket: $165. Medicare and secondary paid the rest.

"Anaesthesia. Bill was $506. The Dr. *accepted* Medicare, for approximate amount of $176. Met Life had to kick in balance. Out of pocket, zero."

But then a comment: "Not bad at all in any latitude. *But* (this is from an item list two pages long): 'Pharmacy,' $687. 'Medic-surgical supplies,' $1351. 'O.R services,' $640. 'Eye-ophthalmic drape,' $25. 'Recovery room'—less than twenty minutes, I was there, I saw it: it's just a parking place with curtains in which they wheel the same gurney used before, during, and after surgery, $150.

"*That* is what calls for radical reform! Otherwise, only $165 to restore excellent vision is a bargain."

Here is an elderly couple paying $1,200 per year for health care that, nationwide, costs $2,600 per couple. Conclusions: Either the premium payment is too small, or the deductible is too large. Derivative observation: some of the charges, e.g., the twenty minutes in the recovery room, are padding. But the attitude of the patient is manifestly acquiescent—someone else is paying for it.

Professor William Baumol, a past president of the American Economic Association, reminds us that all countries have experienced rising medical costs over the past three decades that exceed inflation. If 1960 equals 100, then the cost of living index (CPI) in America in 1993 hit 488. Medical care, 903; education, 1,360; auto repair, 550. Comments economist Ed Rubenstein, "Two sick people (or two damaged cars) will each have somewhat different problems that must be treated individually rather than on an assembly-line basis. Technology cannot reduce the time doctors spend examining their patients."

That isn't exactly right. In Japan, health costs per person are about half our own. But doctors are expected to handle 49 patients per day.

The bill that will land on the President's desk will accost such anomalies as shine through these figures. It won't be the comprehensive Clinton plan, and the President will sign it. □

Washington's New Offensive

NEW YORK, FEBRUARY 14

Forty years ago, the presidents of most of the Ivy League colleges signed a warning against accepting any money from the Federal Government. The presidents of Harvard and Yale and Columbia and others weren't making a point applicable only to richly endowed private colleges. Their point was universally applicable. The point is that their warning was 1) prophetic, and 2) it was not heeded. Not even by their own institutions.

The latest imposition of the Federal Government might in any case have been unavoidable. Grove City College (Pa.) and Hillsdale (Mich.) refused to fill out federal forms documenting that they were not discriminating against women. "Dear Uncle Sam,"—was the substance of their reply—"please tell your local bureaucrats to go away with their forms. We don't accept one penny of federal grants so you have no right to meddle in our affairs. And by the way, in case you are interested, we went co-ed generations before women's rights were a gleam in the eye of Betty Friedan." But Uncle Sam is a tough adversary. What the government then did was to assert jurisdiction on the grounds that individual students in those two colleges were receiving federal aid. Now, beginning on January 1, the Federal Government is telling the colleges and universities that they do not have the right to retire professors at a given age. When the retirement, or anti-retirement, act was passed in 1986, administrators begged for a stay of execution and were granted seven years.

Two questions arise. The first is: Is this new law prudent?

There are several reasons for adhering to a fixed retirement age in a college. One is to avoid having to distinguish between 65-year-old fresh robust inspiring Professor Jones, and 65-year-old jaded emaciated boring Professor Smith. Regulations tend to be categorical in respect of age, and for pretty good reasons. It can't be hard to find a given 17-year-old who is more responsible than a given 18-year-old who is permitted to vote, while his junior is not. If we can't locate a 29-year-old who would make a better senator than many incumbents thirty and over we are asleep. Under the law, you can retire with substantial Social Security benefits at 62. Not everybody at 62 is equally ready to retire. At seventy, you can receive Social Security without penalty, though of course now you have to pay taxes if you have been dumb enough to save up for retirement and have an income that exceeds $34,000.

The prudential point is that uniform retirement ages avoid personalizations the colleges aren't anxious to make. Moreover, if you are a gifted professor, what you do is retire from Yale (e.g., Professor Paul Weiss the philosopher) and go to Catholic University in Washington and teach at age ninety. But by leaving at 65, you make way for the thirty-year-old looking for tenure. Under the law now you can stick to your job forever even after you become dead wood. And how is this going to affect costs? They will rise.

Since 1960, the dollar has depreciated. The current dollar is worth one-fifth of the 1960 dollar. But the cost of education is up 13 times what it was in 1960.

The second question is of profound philosophical importance. It is quite simply this: Who, in the name of what God, authorized the Federal Government to tell Podunk U what it can or can't decide in respect of the retirement of its, not the government's, faculty? Will Congress now decide that it is going to pass laws regulating tenure? Are the colleges granting tenure in sufficient numbers to the handicapped?

There seems to be no end to the appetite of Congress to tell people what to do. And if poetic justice is your bag, you are certainly entitled to sit back and say that it serves the college right, since the engorgement of government has been an academic enterprise for generations. The trouble is, the mess effected by the statism cultivated in the academies affects us all, leaves us gasping for air, wondering what the Framers would say about the long, prehensile reach of omnipotent government. The Declaration of Independence would need to be ten times as long as it is if it listed grievances not alone against King George, but against King Congress. □

(Universal Press Syndicate)

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Scissaman

LORENA BOBBITT'S surgical strike made me remember a time when I associated edged weaponry with perfect congeniality between the sexes.

It is circa 1940 and I have been posted on the back porch as a look-out. Soon the object of my scrutiny appears and makes his way down the alley. There is a small wheel on his back and every few paces he throws back his head and shouts, "Scissaman!"

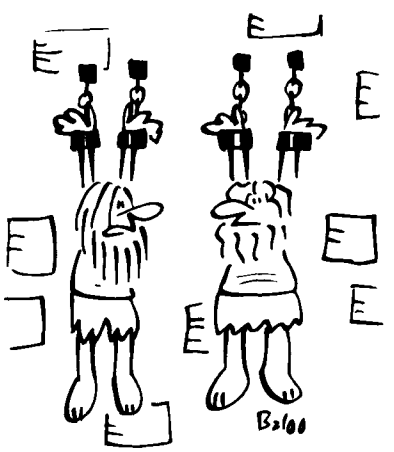
My British father called him the "scissors grinder," but such precise diction was rare in the very southern Washington of those days. The rest of us, like the grinder, were generic Virginians or Marylanders with tongues influenced by black English, so we called him, as he called himself, "the scissaman."

He was in his sixties, with thick white hair and rosy cheeks, as Dickensian as all get-out. He sharpened all the knives and scissors in the house for fifty cents, but it was understood that you were supposed to offer him food and drink. Thus did he eat his way through the neighborhood—a sandwich here, a bowl of oyster stew there, pie and coffee somewhere else—making it possible for him to live cheaply in a single room with virtually no expenses except rent.

In return he was a perfect guest who made the goodwives' day. His working life was peopled exclusively by housebound women, so he felt comfortable with them and could talk the talk. He knew the drill perfectly: ailments, especially the kind that lend themselves to well-timed interjections of "she's wasting away" and "it runs in the family." His innate gentlemanly delicacy allowed him to discuss the finer points of kidney stones without ever crossing the line into coarseness, yet clearly he was no male hen. He had an adventurous jack-of-all-trades past and big scarred hands, but he was nonetheless a "woman's man," and it came so naturally to him that neither he nor his customers ever thought about it.

The scissaman was one of many "man men" in my childhood, and now I find myself remembering them hungrily as I watch the battle of the sexes grow steadily more vicious and sanguinary.

There was the insurance man who came once a month to collect the premiums and lingered to swap Eleanor jokes over coffee and cake. There was the Fuller Brush man who ended up lying prone on our kitchen table while Granny prepared a homemade mustard plaster for his back, which he told her all about over iced tea and cookies when he was able to sit upright. There was the motorman—as in streetcar—whose virtually total right-of-way allowed him to carry on detailed conversations with bevies of women embarked on leisurely mid-day shopping trips. And then there was the iceman (we had a refrigerator at home but an icebox at the beach cottage). The nature of his product made it impossible for him to tarry, but he cut a dashing figure in his leather shoulder pad, lending credence to the nursery rhyme that goes "the ice man is a nice man."



"What I really miss is stretching when I first wake up in the morning."

Scissaman & Co. were part of the fabric of city life that came unraveled with the rise of the suburbs after World War II. The connection between the disappearance of "man men" and the rise of feminism is comically and pitifully obvious.

No pre-war city housewife ever had cause to utter that plaintive cry, "He never talks to me." She enjoyed a parade of garrulous males, all of whom were seasoned students of the female psyche, well able to minister to what are now called "needs." Scissamen may not have felt like talking to their own wives after their gossipy, coffee-drinking rounds, but by talking to everyone else's wife they took the onus off countless husbands, who were not then met at the door by resentful women starved for male conversation.

The postwar suburban housewife sharpened her own knives on one of her many labor-saving appliances, and brooded; when the can-opener attachment fell off the knife sharpener, as it invariably does, she burst into tears. For this she spent four years in college? Stuck in a house with no one to talk to but kids, whose conversational powers lacked something—like syntax. Or other women, who talked about nothing but kids. Her purdah was rarely broken except for the Tidy Didy driver, but he left his truck running to hurry to the next stop, and besides, he was a pimply lout.

GOING TO BED with a man, said Mrs. Patrick Campbell, is the best way to get his undivided attention, so the lonely suburban housewife had affairs. When her lovers treated her badly she went to a psychiatrist, but she did all the talking; the shrink, like her husband, hardly said a word. Then she read *The Feminine Mystique*.

But for a nail . . .

But for a scissaman, the sexes might not now be at each other's throats. Fathers, husbands, professors, and employers may be woman's most important male relationships, but they are also the most tension-ridden. America contains millions of women who hate men in general because they have never met men in general. Invading male preserves like the military could be her twisted way of seeking the chaste intimacy of Scissaman & Co.

—FLORENCE KING

Miss King's first book Southern Ladies and Gentlemen, *has just been reissued in paperback (St. Martin's).*

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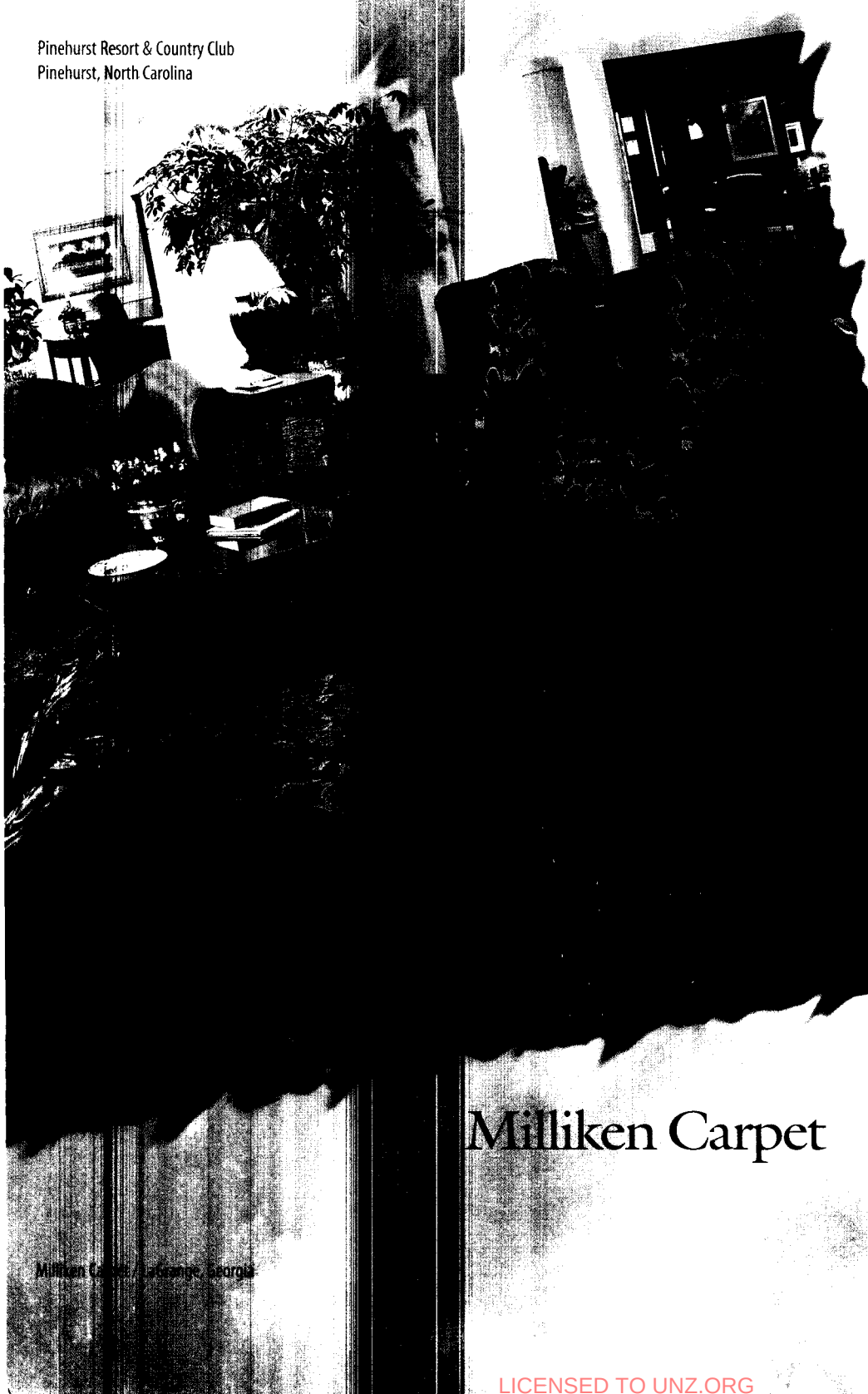
The Artistry of Milliken



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Pinehurst, North Carolina

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